1950

c 167 Highway Traffic Act

Ontario
CHAPTER 167

The Highway Traffic Act

1.—(1) In this Act,

(a) "built-up area" means the territory contiguous to a highway not within a city, town, village or police village where,

(i) not less than fifty per cent of the frontage upon one side of the highway for a distance of not less than 600 feet is occupied by dwellings or dwellings and buildings used for business purposes, or

(ii) not less than fifty per cent of the frontage upon both sides of the highway for a distance of not less than 300 feet is occupied by dwellings or dwellings and buildings used for business purposes,

and signs are displayed as required by the regulations; 1947, c. 45, s. 1, part.

(b) "chauffeur" means any person who operates a motor vehicle and receives compensation therefor;

(c) "commercial motor vehicle" means any motor vehicle having permanently attached thereto a truck or delivery body and includes ambulances, hearses, casket wagons, fire apparatus, police patrols, motor buses and tractors used for hauling purposes on the highways; R.S.O. 1937, c. 288, s. 1, cls. (a, b).

(d) "crosswalk" means,

(i) that part of a highway at an intersection which is included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs from the edges of the travelled portion of the highway, or

(ii) any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs or by lines or other markings on the surface; 1950, c. 25, s. 1.
(e) "Department" means Department of Highways; R.S.O. 1937, c. 288, s. 1, cl. (c).

(f) "farm tractor" means a self-propelled vehicle designed and used primarily as a farm implement for drawing ploughs, mowing-machines and other implements of husbandry and not designed or used for carrying a load; 1949, c. 40, s. 1 (1), part.

(g) "Fund" means the Unsatisfied Judgment Fund established under Part XIV; 1947, c. 45, s. 1, part.

(h) "garage" means every place or premises where motor vehicles are received for housing, storage or repairs for compensation;

(i) "gross weight" means the combined weight of vehicle and load;

(j) "highway" includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, designed and intended for, or used by, the general public for the passage of vehicles;

(k) "intersection" means the area embraced within the prolongation or connection of the lateral curb lines or, if none, then of the lateral boundary lines of two or more highways which join one another at an angle, whether or not one highway crosses the other;

(l) "Minister" means Minister of Highways; R.S.O. 1937, c. 288, s. 1, cls. (d-h).

(m) "motor vehicle" includes automobile, motorcycle, and any other vehicle propelled or driven otherwise than by muscular power; but does not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or a traction engine, farm tractor or road-building machine within the meaning of this Act; R.S.O. 1937, c. 288, s. 1, cl. (i); 1949, c. 40, s. 1 (2).

(n) "official sign" means a sign approved by the Department;

(o) "operator" means any person other than a chauffeur who operates a motor vehicle on a highway;

(p) "peace officer" includes a mayor, warden, reeve, sheriff, deputy sheriff, sheriff's officer, justice of the
peace, jailer or keeper of a prison, and a police officer, constable, bailiff, or other person employed for the preservation and maintenance of the public peace, or for the service or execution of civil process, or any officer appointed for enforcing or carrying out the provisions of this Act; R.S.O. 1937, c. 288, s. 1, cls. (j-l).

(q) "public vehicle" has the same meaning as in The Rev. Stat., Public Vehicles Act; 1948, c. 39, s. 1.

(r) "Registrar" means Registrar of Motor Vehicles appointed under this Act; R.S.O. 1937, c. 288, s. 1, cl. (n).

(s) "regulations" means regulations made under this Act; 1947, c. 45, s. 1, part.

(t) "road-building machine" means a self-propelled vehicle designed and used primarily in connection with the building or maintaining of highways and not designed or used for carrying a load; 1949, c. 40, s. 1 (1), part.

(u) "safety glass" means any product composed of glass so manufactured, fabricated or treated as substantially to prevent shattering and flying of the glass when struck or broken, or such other or similar product as may be approved by the Department;

(v) "solid tires" means all tires other than pneumatic tires;

(w) "trailer" means any vehicle which is at any time drawn upon a highway by a motor vehicle, except an implement of husbandry temporarily drawn, propelled, or moved upon such highway, and except a side car attached to a motorcycle, and shall be considered a separate vehicle and not part of the motor vehicle by which it is drawn; R.S.O. 1937, c. 288, s. 1, cls. (o-q).

(x) "vehicle" includes motor vehicle, trailer, traction engine, farm tractor, road-building machine and any vehicle drawn, propelled, or driven by any kind of power, including muscular power, but not including the cars of electric or steam railways running only upon rails. R.S.O. 1937, c. 288, s. 1, cl. (r); 1949, c. 40, s. 1 (3).
(2) Where in this Act the Minister or a magistrate or other official is authorized or directed to suspend or cancel the licence or permit of any person, and such person is the holder of both a licence and a permit issued under this Act, every such authority shall extend to both licence and permit and every such direction may in the discretion of the Minister, magistrate or other officer be made to apply to both licence and permit. 1938, c. 17, s. 2.

(3) Where any light is required by any provision of this Act to be visible for a specified distance such requirement shall be deemed to apply during the times indicated in such provision upon level ground and under normal atmospheric conditions. 1939, c. 20, s. 1.

2.—(1) There shall continue to be a Registrar of Motor Vehicles who shall be appointed by the Lieutenant-Governor in Council.

(2) The Registrar shall act under the instructions of the Minister and shall have general supervision over all matters relating to highway traffic within Ontario, and shall perform such duties as are assigned to him by this Act, by the Lieutenant-Governor in Council, or by the Minister. R.S.O. 1937, c. 288, s. 2.

PART I
REGISTRATION AND PERMITS

3.—(1) The owner of every motor vehicle or trailer shall register the same with the Department before driving or operating or causing the same to be driven or operated upon a highway and shall pay to the Department a fee for the registration of such motor vehicle or trailer, and for the number plates therefor and, on failure to do so, shall be liable for the first offence to a penalty of not less than $10 and not more than $50; for the second offence to a penalty of not less than $20 and not more than $100, and in addition his licence or permit may be suspended for a period of not more than thirty days; and for any subsequent offence shall be liable to a penalty of not less than $50 and not more than $200, and shall also be liable to imprisonment for a term of not more than thirty days.

(2) The Department shall issue for each motor vehicle or trailer so registered a numbered permit stating that the motor vehicle or trailer is registered in accordance with this Act, and shall cause the name of the owner, his address and the number of his permit, to be entered in a book to be kept for that purpose.
(3) The Minister may give authority to any person to issue permits for motor vehicles and may define the duties and powers of such person, and, where the salary is not otherwise provided, may authorize and fix the fee to be retained by the person so authorized for each permit issued.

(4) Declarations or affidavits in connection with the issuance of permits and licences under this Act or required by the Department in that regard, may be taken before any person having authority to administer oaths or before any person specially authorized for that purpose by the Lieutenant-Governor in Council, but any person so specially authorized shall not charge any fee therefor.

(5) The Lieutenant-Governor in Council may make regulations regarding the renewal and transfer of such permits, the payment of fees therefor, the amount and time of payment of such fees, and also the registration and operation of motor vehicles or trailers owned by manufacturers or dealers and not kept by them for private use. R.S.O. 1937, c. 288, s. 3.

4.—(1) Any person who knowingly makes any false statement of fact in any application, declaration, affidavit or paper-writing required by this Act or by the regulations or by the Department in order to procure the issuance to him of a licence, permit or certificate of registration, in addition to any other penalty or punishment to which he may be liable, shall be liable for the first offence to a penalty of not less than $20 and not more than $100, and in addition his licence or permit may be suspended for a period of not more than thirty days; and for any subsequent offence shall be liable to a penalty of not less than $50 and not more than $200, and shall also be liable to imprisonment for a term of not more than thirty days, and in addition his licence or permit may be suspended for a period of not more than six months.

(2) Where an owner changes his address as given under subsection 2 of section 3, he shall within six days send by registered letter or cause to be filed in the Department his change of address, and every subsequent change of address, and on failure to do so shall be liable for the first offence to a penalty of not less than $10 and not more than $50; for the second offence to a penalty of not less than $20 and not more than $100, and in addition his licence or permit may be suspended for a period of not more than thirty days; and for any subsequent offence shall be liable to a penalty of not less than $50 and not more than $200 and shall also be liable to imprisonment for a term of not more than thirty days, and in addition his licence or permit may be suspended for a period of not more than six months.
(3) No permit shall be issued for a motor vehicle where the manufacturer's serial number or similar identifying mark has been obliterated or defaced, until the owner has filed with the Department satisfactory proof of the ownership of the vehicle, and, if known, the reason for the obliteration or defacement, and if satisfied as to the statements made, the Minister may grant permission to cut, impress, emboss, or attach permanently to the vehicle a special identification number or mark which thereafter shall be deemed sufficient for the purpose of registration of the vehicle. R.S.O. 1937, c. 288, s. 4.

5.—(1) Every motor vehicle other than a motor bicycle, while being driven on a highway, shall have attached to and exposed on the front and back thereof, in a conspicuous position, a number plate furnished by the Department showing in plain figures the number of the permit issued for the current year.

(2) Any person who violates any of the provisions of subsection 1 shall be liable for the first offence to a penalty of not more than $50; for the second offence to a penalty of not less than $20 and not more than $100, and in addition his licence or permit may be suspended for a period of not more than thirty days; and for any subsequent offence shall be liable to a penalty of not less than $50 and not more than $200, and shall also be liable to imprisonment for a term of not more than thirty days, and in addition his licence or permit may be suspended for a period of not more than six months.

(3) The number plate on the front shall be as far forward and as high from the ground as may be necessary to render it distinctly visible, and the number plate on the back shall be so placed that the lower edge thereof shall not be lower than the body of the motor vehicle; provided that this subsection, so far as it relates to the position of the number plate on the back shall not apply to motor trucks or other motor vehicles for the delivery of goods.

(4) Any person who violates any of the provisions of subsection 3 shall be liable for the first offence to a penalty of not less than $5 and not more than $10; for the second offence to a penalty of not less than $10 and not more than $25; and for any subsequent offence to a penalty of not less than $25 and not more than $50, and in addition his licence or permit may be suspended for a period of not more than sixty days.

(5) A motor bicycle while being driven on a highway shall have exposed on the front and back thereof a number plate furnished by the Department showing in plain figures, no.
than two inches in height, the number of the permit of such
to motor bicycle, and the number plate on the front shall show the
number of the permit issued for the current year on both sides
and shall be fixed so that the number is plainly visible from
either side of the motor bicycle.

(6) Every trailer while being drawn on a highway shall
have exposed on the back thereof, in a conspicuous position, a
number plate furnished by the Department showing in plain
figures the number of the permit issued for the current year.

(7) Any person who violates any of the provisions of sub-
section 5 or 6 shall be liable for the first offence to a penalty of
not less than $5 and not more than $10; for the second
offence to a penalty of not less than $10 and not more than $25;
and for any subsequent offence to a penalty of not less than $25
and not more than $50, and in addition his licence or permit
may be suspended for a period of not more than sixty days.
R.S.O. 1937, c. 288, s. 5.

6.—(1) Any person who,
   
   (a) defaces or alters any number plate furnished by the
       Department;
   
   (b) uses or permits the use of a defaced or altered number
       plate or a number plate issued by the Department for
       another motor vehicle or trailer;
   
   (c) without the authority of the owner removes a number
       plate from a motor vehicle or trailer;
   
   (d) uses or permits the use of any number plate upon a
       motor vehicle or trailer except the one issued by the
       Department for the motor vehicle or trailer; or
   
   (e) does not, within six days, forward a notice on the
       prescribed form to the Department of the sale or
       purchase by or to him of a motor vehicle or trailer
       for which a permit has been issued,

shall be liable for the first offence to a penalty of not less than
$10 and not more than $50; for the second offence to a penalty of
not less than $20 and not more than $100, and in addition
his licence or permit may be suspended for a period of not
more than thirty days; and for any subsequent offence shall
be liable to a penalty of not less than $50 and not more than
$200 and shall also be liable to imprisonment for a term of not
more than thirty days, and in addition his licence or permit
may be suspended for a term of not more than six months.
R.S.O. 1937, c. 288, s. 6 (1); 1938, c. 17, s. 3.
(2) Every number plate furnished by the Department under this Act shall be and remain the property of the Crown and shall be returned to the Department whenever required by the Department, and any person failing to so return the number plate without reasonable excuse shall be liable for the first offence to a penalty of not more than $5; for the second offence to a penalty of not less than $5 and not more than $10; and for any subsequent offence to a penalty of not less than $10 and not more than $25, and in addition his licence or permit may be suspended for a period of not more than thirty days, and the Minister may also for such failure refuse to issue a licence or permit to such person. R.S.O. 1937, c. 288, s. 6 (2).

7.—(1) No other number other than that upon the number plate furnished by the Department shall be exposed on any part of a motor vehicle or trailer in such a position or manner as to confuse the identity of the number plate.

(2) Any person who violates any of the provisions of subsection 1 shall be liable for the first offence to a penalty of not more than $5; for the second offence to a penalty of not less than $5 and not more than $10; and for any subsequent offence to a penalty of not less than $10 and not more than $25, and in addition his licence or permit may be suspended for a period of not more than thirty days.

(3) The number plates shall be kept free from dirt and obstruction and shall be so affixed that the numbers thereon may be at all times plainly visible, and the view thereof shall not be obscured or obstructed by spare tires, bumper bars, or by any part of the motor vehicle or trailer or attachments thereto, or by the load carried.

(4) Any person who violates any of the provisions of subsection 3 shall be liable for the first offence to a penalty of not less than $5 and not more than $10; for the second offence to a penalty of not less than $10 and not more than $25; and for any subsequent offence to a penalty of not less than $25 and not more than $50, and in addition his licence or permit may be suspended for a period of not more than sixty days. R.S.O. 1937, c. 288, s. 7.

8. A peace officer who has reason to believe that a motor vehicle or trailer is carrying number plates which were not issued for it, or which although issued for it were obtained by false pretenses, may take possession of such number plates and retain them until the facts as to the carrying of such number plates have been determined. R.S.O. 1937, c. 288, s. 8.
9.—(1) Sections 3 and 5 and subsection 1 of section 7 shall not apply to a motor vehicle owned by a person who does not reside or carry on business in Ontario for more than six consecutive months in each year, if the owner thereof is a resident of some other province of Canada, and has complied with the provisions of the law of the province in which he resides as to registration of a motor vehicle and the display of the registration number thereon, and provided the province of residence grants similar exemptions and privileges with respect to motor vehicles registered under the laws of and owned by residents of Ontario. R.S.O. 1937, c. 288, s. 9 (1); 1940, c. 9, s. 1 (1).

(2) Sections 3 and 5 and subsection 1 of section 7 shall not apply to a motor vehicle owned by a person who does not reside or carry on business in Ontario for more than three months in any one year if the owner thereof is a resident of a country or state which grants similar exemptions and privileges with respect to motor vehicles registered under the laws of and owned by residents of Ontario and has complied with the provisions of the law of the country or state in which he resides as to registration of a motor vehicle and the display of registration plates thereon; provided, however, that this subsection shall not apply to commercial motor vehicles. 1938, c. 17, s. 4; 1940, c. 9, s. 1 (2).

(3) The Lieutenant-Governor in Council may make regulations providing for the temporary exemption from registration of commercial vehicles or vehicles used by non-residents doing business in Ontario. R.S.O. 1937, c. 288, s. 9 (3).

PART II

REQUIREMENTS AS TO EQUIPMENT

10.—(1) Whenever on a highway after dusk and before dawn, every motor vehicle shall carry three lighted lamps in a conspicuous position, one on each side of the front which shall cast a white, green or amber coloured light only, and one on the back of the vehicle which shall cast from its face a red light only, except in the case of a motor bicycle without a sidecar, which shall carry one lamp on the front which shall cast a white light only and one on the back of the vehicle which shall cast from its face a red light only, and any lamp so used shall be clearly visible at a distance of at least 200 feet from the front or rear, as the case may be.

(2) Lamps on the front of a motor vehicle shall be so constructed, located, arranged and adjusted that when lighted as required by subsection 1 they produce under normal atmo-
spheric conditions and on a level road a driving light sufficient to render clearly discernible to the operator of the motor vehicle any person or vehicle on the highway within a distance of 200 hundred feet ahead of the motor vehicle. R.S.O. 1937, c. 288, s. 10 (1, 2).

(3) Subsection 2 shall not apply to a motor vehicle parked on a highway and subsections 1, 5, 6 and 7 shall not apply to a motor vehicle parked on a highway upon which the speed limit is not greater than 30 miles per hour and which is so lighted by the means of any system of street or highway lighting that under normal atmospheric conditions the vehicle is clearly discernible within a distance of 200 feet. 1943, c. 10, s. 1; 1946, c. 39, s. 1 (1).

(4) No motor vehicle shall carry on the front thereof more than four lighted lamps of over four candle-power. R.S.O. 1937, c. 288, s. 10 (4); 1939, c. 20, s. 2 (1); 1949, c. 40, s. 2 (1).

(5) Whenever on a highway after dusk and before dawn every motor vehicle and every trailer having a width at any part in excess of 80 inches shall carry in addition to the lamps required by subsection 1, two clearance lamps, one of which shall be located at the front of the vehicle and shall display a green light, and the other of which shall be located at the rear of the vehicle and shall display a red light, and the Department may by regulation permit a reflector, approved by the Department, to be displayed in lieu of a clearance lamp on the rear of a vehicle, and any lamp or reflector so used shall be clearly visible at a distance of at least 200 feet from the front or rear as the case may be, and shall be affixed within six inches of the extreme left side of the vehicle. R.S.O. 1937, c. 288, s. 10 (5).

(6) Whenever on a highway outside a city, town or village after dusk and before dawn every motor vehicle or combination of vehicles having a length in excess of 30 feet or a width in excess of 80 inches shall carry three lamps displaying green, but in the case of a public vehicle amber, lights at the front and three lamps displaying red lights at the rear and the lights of each colour shall be evenly placed not less than six nor more than twelve inches apart along a horizontal line as near the top of the vehicle or combination of vehicles as the permanent structure of the vehicle permits and shall be visible for distances of 500 feet from the front and rear respectively of the vehicle or combination of vehicles. 1939, c. 20, s. 2 (2), part; 1940, c. 9, s. 2; 1949, c. 40, s. 2 (2).

(7) Whenever on a highway outside a city, town or village after dusk and before dawn every motor vehicle or combination of vehicles having a length in excess of 20 feet shall carry not
less than four side marker lamps, one of which shall be located on each side of the vehicle or combination of vehicles near the front and shall display a green light and one of which shall be located on each side of the vehicle or combination of vehicles near the rear and shall display a red light and each of which lights shall be visible for a distance of 500 feet from the side of the vehicle or combination of vehicles upon which it is located; provided that a vehicle or combination of vehicles may carry four reflectors approved by the Department in lieu of the side marker lamps required by this section; and provided further that if the clearance lamps upon the left side of any vehicle or combination of vehicles display lights visible for a distance of 500 feet from the left side of the vehicle or combination of vehicles, it shall not be necessary to carry side marker lamps as required by this subsection on the left side of the vehicle. 1939, c. 20, s. 2 (2), part; 1940, c. 9, s. 2.

(8) Any person who violates any of the provisions of subsection 1, 2, 4 or 5 shall be liable for the first offence to a penalty of not more than $5; for the second offence to a penalty of not less than $5 and not more than $10; and for any subsequent offence to a penalty of not less than $10 and not more than $25, and in addition his licence or permit may be suspended for a period of not more than sixty days. R.S.O. 1937, c. 288, s. 10 (6).

(9) In the case of an ambulance, fire or police department vehicle or public utility emergency vehicle the lamps on the front may cast a red light only or such other colour of light as may be designated by a by-law of the municipality in which the vehicle is operated, approved by the Department, but no other motor vehicle shall carry on the front thereof any lamp which casts a red light. 1946, c. 39, s. 1 (2).

(10) Whenever on a highway after dusk and before dawn, every bicycle or tricycle shall carry on the front thereof a white or amber lighted lamp, or reflector approved by the Department, and on the back thereof a red lighted lamp, or reflector approved by the Department, as well as a white surface not less than ten inches in length and two inches in width, all of which shall be so placed as to be clearly visible to the drivers of other vehicles.

(11) Any person who violates any of the provisions of subsection 10 shall be liable for the first offence to a penalty of not more than $5; for the second offence to a penalty of not less than $5 and not more than $10; and for any subsequent offence to a penalty of not less than $10 and not more than $25. R.S.O. 1937, c. 288, s. 10 (8, 9).
(12) The lamp on the back of a motor vehicle or trailer shall be of at least three candle-power and shall be so placed that it will illuminate at all times between dusk and dawn the numbers on the number plate, or if provision is made on the number plate or on any attachment furnished or required by the Department for affixing such lamp, it shall be affixed in the position or space provided, and such lamp shall face to the rear and reflect on the number plate a white light only. R.S.O. 1937, c. 288, s. 10 (10); 1938, c. 17, s. 5.

Penalty.

(13) Any person who violates any of the provisions of subsection 12 shall be liable for the first offence to a penalty of not less than $5 and not more than $10; for the second offence to a penalty of not less than $10 and not more than $25; and for any subsequent offence to a penalty of not less than $25 and not more than $50, and in addition his licence or permit may be suspended for a period of not more than sixty days. R.S.O. 1937, c. 288, s. 10 (11).

Parking lights.

(14) A motor vehicle, other than a commercial motor vehicle, while standing upon any highway at such times as lights are required by this section for the vehicle may, in lieu of the lighting equipment specified in this section, show one light carried on the left side of the car in such a manner as to be clearly visible to the front and rear for a distance of at least 200 feet and to show white to the front and red to the rear of the vehicle; provided, however, that such light shall not be displayed while the motor vehicle is in motion. R.S.O. 1937, c. 288, s. 10 (12); 1949, c. 40, s. 2 (3).

Regulations as to lights.

(15) The Lieutenant-Governor in Council may make regulations prescribing the type and maximum strength of lights which shall be carried by vehicles, and regulating the location, direction, focus and use of such lights. 1939, c. 20, s. 2 (3).

Penalty.

(16) Any person who violates any of the provisions of subsection 14 or of the regulations made under subsection 15 shall be liable for the first offence to a penalty of not more than $10; for the second offence to a penalty of not less than $10 and not more than $25; and for any subsequent offence to a penalty of not less than $25 and not more than $50, and in addition his licence or permit may be suspended for a period of not more than sixty days. R.S.O. 1937, c. 288, s. 10 (15); 1939, c. 20, s. 2 (4).

Spotlamps.

(17) No motor vehicle shall be equipped with more than one spotlamp and every lighted spotlamp shall be so directed, upon approaching or upon the approach of another vehicle, that no part of the high intensity portion of the beam from
such lamp will be directed to the left of the prolongation of the extreme left side, nor more than 100 feet ahead, of the vehicle to which it is attached. 1949, c. 40, s. 2 (4).

(18) Any person who violates any of the provisions of subsection 17 shall be liable for the first offence to a penalty of not less than $10 and not more than $50; for the second offence to a penalty of not less than $20 and not more than $100, and in addition his licence or permit may be suspended for a period of not more than thirty days; and for any subsequent offence shall be liable to a penalty of not less than $50 and not more than $200, and shall also be liable to imprisonment for a term of not more than thirty days, and in addition his licence or permit may be suspended for a period of not more than six months.

(19) Every traction engine shall, after dusk and before dawn, carry a lamp in a conspicuous place in front which shall cast a white or green light only and one on the rear of the engine or of any vehicle which may be attached to it which shall cast from its face a red light only.

(20) Whenever on a highway after dusk and before dawn, every trailer shall carry on the back thereof one lighted lamp which shall cast from its face a red light only.

(21) Any person who violates any of the provisions of subsection 19 or 20 shall be liable for the first offence to a penalty of not less than $5 and not more than $10; for the second offence to a penalty of not less than $10 and not more than $25; and for any subsequent offence to a penalty of not less than $25 and not more than $50, and in addition his licence or permit may be suspended for a period of not more than sixty days.

(22) Subject to subsection 23, every vehicle other than a motor vehicle or a bicycle or a tricycle, when on a highway after dusk and before dawn, shall carry in a conspicuous position on the left side thereof a lighted lamp showing white to the front and red to the rear, and any lamp so used shall be clearly visible at a distance of at least 200 feet from the front and from the rear of the vehicle.

(23) The Department may by regulation permit a reflector approved by the Department to be displayed in lieu of a lighted lamp on vehicles commonly used for conveying flammable materials or vehicles which are structurally unsuitable for carrying lighted lamps.

(24) Any person who violates any of the provisions of subsections 22 and 23 shall be liable for the first offence to a
penalty of not more than $5; for the second offence to a penalty of not less than $5 and not more than $10; and for any subsequent offence to a penalty of not less than $10 and not more than $25. R.S.O. 1937, c. 288, s. 10 (17-22).

11. Every vehicle which is equipped with a right hand drive shall, unless it is equipped with a mechanical or electrical signal device which has been approved by the Department, have prominently displayed on the rear thereof in bold face letters of not less than two inches in height and of a colour which is in contrast to that of the vehicle, the words,

"RIGHT HAND DRIVE VEHICLE".

1946, c. 39, s. 2; 1949, c. 40, s. 3.

12.—(1) Every motor vehicle other than a motorcycle, when operated upon a highway shall be equipped with brakes adequate to stop and to hold the vehicle, having two separate means of application, each of which means shall apply a brake or brakes effective on at least two wheels and each of which shall suffice to stop the vehicle within a proper distance, and each means of application shall be so constructed that the cutting in two of any one element of the operating mechanism shall not leave the motor vehicle without brakes effective on at least two wheels.

(2) Every motorcycle shall be equipped with at least one brake.

(3) Every trailer or semi-trailer having a gross weight of 3,000 pounds or more shall be equipped with brakes adequate to stop and to hold the vehicle.

(4) All such brakes shall be maintained in good working order and shall conform to regulations not inconsistent with this section to be made by the Department.

(5) Any constable or any officer appointed for carrying out the provisions of this Act may at any time inspect or cause an inspection to be made of the brakes on any motor vehicle on the highway, and may, if the brakes do not conform to the regulations of the Department, require the driver of the motor vehicle to proceed forthwith to make or have such brakes made to comply with such regulations.

(6) Any person who violates any of the provisions of this section shall be liable for the first offence to a penalty of not less than $10 and not more than $50; for the second offence to a penalty of not less than $20 and not more than $100, and in
addition his licence or permit may be suspended for a period of not more than thirty days; and for any subsequent offence shall be liable to a penalty of not less than $50 and not more than $200, and shall also be liable to imprisonment for a term of not more than thirty days, and in addition his licence or permit may be suspended for a period of not more than six months. R.S.O. 1937, c. 288, s. 11.

13.—(1) Every motor vehicle other than a motorcycle shall be equipped with,

(a) a device for cleaning rain, snow and other moisture from the windshield so constructed as to be controlled or operated by the chauffeur or operator;

(b) a mirror securely attached to the vehicle and placed in such a position as to afford the chauffeur or operator a clearly reflected view of the roadway in the rear, or of any vehicle approaching from the rear. R.S.O. 1937, c. 288, s. 12 (1).

(2) Every motor vehicle and every trailer shall be equipped with mudguards or fenders adequate to reduce effectively the wheel spray or splash of water from the roadway to the rear thereof, unless adequate protection is afforded by the body of the motor vehicle or trailer or by a trailer drawn by the motor vehicle. 1949, c. 40, s. 4 (1).

(3) Subsection 2 shall not apply to motor vehicles or trailers in an unfinished condition while proceeding to a works for completion. 1950, c. 25, s. 2.

(4) Any person who violates any of the provisions of section 1 or 2 shall be liable for the first offence to a penalty of not more than $5; for the second offence to a penalty of not less than $5 and not more than $10; and for any subsequent offence to a penalty of not less than $10 and not more than $25, and in addition his licence or permit may be suspended for a period of not more than thirty days. R.S.O. 1937, c. 288, s. 12 (2); 1949, c. 40, s. 4 (2).

14.—(1) All self-propelled vehicles other than traction engines, and all trailers having a gross weight in excess of two tons, shall be equipped with rubber tires or tires of some composition equally resilient, and a vehicle shall not be operated on any highway with a tire that is broken or defective in such a manner as to cause additional impact or pounding on or cutting of the highway, and in the case of motor vehicles and trailers equipped with solid rubber tires there shall be at least
one and one-quarter inches of rubber between the wheel rim and the roadway.

(2) No vehicle shall be operated or object moved over or upon any highway with any flange, rib, clamp or other device attached to its wheels, or made a part thereof, which will injure the highway.

(3) No person driving a vehicle drawn by a horse or other animal and used for carrying articles of burden, goods, wares or merchandise shall when descending a grade on a highway lock any wheel of such vehicle except with the device commonly known as a lock-shoe.

(4) Any person who violates any of the provisions of this section shall be liable for the first offence to a penalty of not less than $5 and not more than $10; for the second offence to a penalty of not less than $10 and not more than $25; and for any subsequent offence to a penalty of not less than $25 and not more than $50, and in addition his licence or permit may be suspended for a period of not more than sixty days. R.S.O. 1937, c. 288, s. 13.

15.—(1) In this section, “rebuild” means to make or impose a new tread or new surface or to otherwise alter the surface of a used tire so that it will resemble a new tire, by cutting into or adding rubber to the surface thereof, or by a combination of both.

(2) No person shall rebuild any tire designed for use upon a motor vehicle unless he causes it to be indicated in letters of not less than one-half inch in height, clearly embossed upon or imposed or cut into the outside surface of each wall of the tire, that it has been rebuilt.

(3) No person shall sell, offer or expose for sale, or have in his possession with intent to sell any tire designed for use upon a motor vehicle which has been rebuilt unless it is indicated in letters of not less than one-half inch in height, clearly embossed upon or imposed or cut into the outside surface of each wall of the tire, that it has been rebuilt.

(4) Any person who violates the provisions of subsection 2 or 3 shall be liable for the first offence to a penalty of not more than $25; for a second offence to a penalty of not more than $50; and for any subsequent offence to a penalty of not more than $100. 1941, c. 22, s. 2.
16.—(1) No person shall sell any new motor vehicle nor shall any new motor vehicle be registered with the Department of Motor Vehicles to be equipped with safety glass unless such vehicle is equipped with safety glass wherever glass is used in doors, windows and windshields. R.S.O. 1937, c. 288, s. 14.

(2) No person shall install glass other than safety glass in the door, window or windshield of any motor vehicle. 1938, c. 17, s. 6 (1).

17.—(1) Every motor vehicle shall be equipped with a noise muffler, and no contrivance for releasing such muffler shall be attached to the motor vehicle so that it may be operated from any seat in the vehicle.

(2) A person having the control or charge of a motor vehicle shall not sound any bell, horn or other signalling device so as to make an unreasonable noise, and an operator or chauffeur of any motor vehicle shall not permit any unreasonable amount of smoke to escape from the motor vehicle, nor shall such operator or chauffeur at any time, by cutting out the muffler or otherwise, cause the motor vehicle to make any unnecessary noise, provided that this subsection shall not apply to a motor vehicle of a municipal fire department while proceeding to a fire or answering a fire alarm call.

(3) Every motor vehicle, bicycle and tricycle shall be equipped with an alarm bell, gong or horn, which shall be kept in good working order and sounded whenever it is reasonably necessary to notify pedestrians or others of its approach. R.S.O. 1937, c. 288, s. 15 (1-3).

(4) No vehicle other than an ambulance, fire or police department vehicle, public utility emergency vehicle or vehicle operated by the Department shall be equipped with a siren horn or a device producing a sound which so nearly resembles that produced by a siren horn as to deceive or confuse. R.S.O. 1937, c. 288, s. 15 (4); 1939, c. 20, s. 3.

(5) Any person who violates any of the provisions of sub-section 1, 2, 3 or 4 shall be liable for the first offence to a penalty of not more than $5; for the second offence to a penalty of not less than $5 and not more than $10; and for any subsequent offence to a penalty of not less than $10 and not more than $25, and in addition his licence or permit may be suspended for a period of not more than thirty days. R.S.O. 1937, c. 288, s. 15 (5).
Sleigh bells.  

18.—(1) Every person travelling upon a highway with a sleigh or sled drawn by a horse or other animal, shall have at least two bells attached to the harness or to the sleigh or sled in such a manner as to give ample warning sound.

(2) Any person who violates any of the provisions of subsection 1 shall be liable for the first offence to a penalty of not more than $5; for the second offence to a penalty of not less than $5 and not more than $10; and for any subsequent offence to a penalty of not less than $10 and not more than $25.  R.S.O. 1937, c. 288, s. 16.

Penalty.

Width of vehicle.  

19.—(1) No vehicle, including load or contents, shall have a greater width than 96 inches, except traction engines or threshing machines which may have a total width of 110 inches, and except loads of loose fodder.  R.S.O. 1937, c. 288, s. 17 (1).

(2) No vehicle, other than a public vehicle or a semi-trailer as defined in clause (b) of subsection 6 of section 37, including load or contents, shall exceed the length of 33 feet and no combination of vehicles, including load or contents, coupled together shall exceed the total length of 50 feet.  1950, c. 25, s. 3.

Length of vehicle or combination of vehicles.

(3) No public vehicle, including load or contents, shall exceed the length of 35 feet.  1940, c. 9, s. 3 (2).

(4) No trailer or other object or device shall be drawn by a motor vehicle on a highway unless the trailer, object or device has two separate means of attachment so constructed and attached that the failure of one such means will not permit the trailer, object or device to become detached; but this subsection shall not apply to a trailer so designed and used that part of its own weight and of its own load rests upon or is carried by another vehicle.  1949, c. 40, s. 5.

Penalty.

(5) Any person who violates any of the provisions of this section shall be liable for the first offence to a penalty of not less than $5 and not more than $10; for the second offence to a penalty of not less than $10 and not more than $25; and for any subsequent offence to a penalty of not less than $25 and not more than $50.  R.S.O. 1937, c. 288, s. 17 (4).

Trailers.

Examination of vehicle.  

20.—(1) Every constable and every officer appointed for the purpose of carrying out the provisions of this Act may require the driver of any motor vehicle to submit such motor vehicle, together with its equipment and any trailer attached thereto, to such examination and tests as the constable or officer may deem expedient.
(2) Where any such vehicle, equipment or trailer is found to be in a dangerous or unsafe condition the constable or officer making the examination or tests may require the driver of the vehicle to proceed to have the vehicle, equipment or trailer placed in a safe condition and may order the vehicle or trailer to be removed from the highway and may prohibit the operation of the vehicle or trailer on the highway until the vehicle, equipment or trailer has been placed in a safe condition. R.S.O. 1937, c. 288, s. 18.

PART III

CHAUFFEURS' LICENCES

21.—(1) No person shall operate or drive a motor vehicle on a highway as a chauffeur unless he is licensed so to do, and no person shall employ anyone to drive a motor vehicle who is not a licensed chauffeur.

(2) Any person who violates any of the provisions of sub-

section 1 shall be liable for the first offence to a penalty of not less than $10 and not more than $50; for the second offence to a penalty of not less than $20 and not more than $100, and in addition his licence or permit may be suspended for a period of not more than thirty days; and for any subsequent offence shall be liable to a penalty of not less than $50 and not more than $200 and shall also be liable to imprisonment for a term of not more than thirty days, and in addition his licence or permit may be suspended for a period of not more than six months.

(3) Chauffeurs' licences may be issued by the Minister to such persons for such time and upon such terms and subject to such regulations and restrictions as the Lieutenant-Governor in Council may prescribe.

(4) A licence shall not be issued to a chauffeur unless he files with the Department certificates that he is a fit and proper person to be so licensed, having regard to his character, physical fitness, ability to drive and knowledge of the rules of the road, and one of such certificates touching the applicant's character shall be furnished by the clerk, chief constable or magistrate of the municipality in which the applicant resides, and one other certificate touching the applicant's physical fitness, ability to drive and knowledge of the rules of the road shall be furnished by an examiner appointed for that purpose by the Lieutenant-Governor in Council and residing in the municipality in which the applicant resides,
(5) If there is no such examiner residing in the municipality, the certificate may be signed by the examiner residing in the municipality nearest to that in which the applicant resides.

(6) Before a person is appointed an examiner he shall pass such an examination or furnish such evidence of his qualifications as the Minister shall require. R.S.O. 1937, c. 288, s. 19.

22. A magistrate or justice of the peace by whom a person is convicted of a violation of this Act, if the person convicted is required to hold a chauffeur's licence and does not hold such licence, may declare him disqualified to hold such a licence for such time as the magistrate or justice of the peace thinks fit and shall so report with the certificate of the conviction to the Minister. R.S.O. 1937, c. 288, s. 20.

23.—(1) A licence must be produced by any person driving a motor vehicle as a chauffeur when demanded by a constable or by an officer appointed for carrying out the provisions of this Act.

(2) Any person who violates any of the provisions of subsection 1 shall be liable for the first offence to a penalty of not more than $5; for the second offence to a penalty of not less than $5 and not more than $10; and for any subsequent offence to a penalty of not less than $10 and not more than $25, and in addition his licence or permit may be suspended for a period of not more than thirty days.

(3) A person convicted of an offence under this Act if he holds a chauffeur’s licence shall forthwith produce the licence for the purpose of endorsement.

(4) Any person who violates any of the provisions of subsection 3 shall be liable for the first offence to a penalty of not less than $5 and not more than $10; for the second offence to a penalty of not less than $10 and not more than $25; and for any subsequent offence to a penalty of not less than $25 and not more than $50, and in addition his licence or permit may be suspended for a period of not more than sixty days. R.S.O. 1937, c. 288, s. 21.

24.—(1) Magistrates or justices of the peace by whom a person is convicted of a violation of this Act shall cause particulars of the conviction to be endorsed upon the chauffeur’s licence or operator’s licence, as the case may be, and if the penalty imposed includes the suspension of the licence or permit, shall take and hold for the period of the suspension such licence or permit and any badge issued therewith.
(2) Any such endorsement signed by the convicting justice shall be prima facie evidence of such conviction. R.S.O. 1937, c. 288, s. 22.

25.—(1) The Minister may at any time for misconduct or violation of the provisions of this Act or The Public Vehicles Act or of any regulation thereunder by an owner, operator or chauffeur of a motor vehicle or for any reason which he may deem sufficient, suspend or cancel any permit or licence, and no further or other licence or permit shall be issued to such owner, operator or chauffeur during such suspension, or in the case of a cancellation, until the Minister approves, and the Minister may also for such misconduct or violation or reason prohibit any person from driving a motor vehicle for such period as he may deem advisable and any such person who drives a motor vehicle during the prohibited period shall be liable to a penalty of not more than $500. R.S.O. 1937, c. 288, s. 23 (1); 1943, c. 10, s. 2; 1947, c. 45, s. 2.

(2) Every person whose permit has been suspended or cancelled and who, while prohibited from having a motor vehicle registered in his name, applies for or procures the issue to him or has in his possession a permit issued to him, shall be guilty of an offence and liable to a penalty of not less than $25 and not more than $100 and to imprisonment for a term of not more than thirty days, and in addition the motor vehicle for which the permit was issued shall be forfeited to His Majesty in right of Ontario.

(3) Every person whose licence has been suspended or cancelled and who, while prohibited from driving a motor vehicle, applies for or procures the issue to him or has in his possession a licence, shall be guilty of an offence and liable to a penalty of not less than $25 and not more than $100 and to imprisonment for a term of not more than thirty days. 1948, c. 39, s. 2.

PART IV

GARAGE AND STORAGE LICENCES

26.—(1) No person shall store or deal in motor vehicles, or conduct what is known as a garage business, parking station, parking lot or used car lot, without having been licensed so to do by the Department in respect of each separate premises used by him for the purpose of such business, provided that this section shall not apply to a temporary parking lot which is being operated for a period of not more than two consecutive weeks.
(2) The fee for the licence shall be such as may be fixed from time to time by order of the Lieutenant-Governor in Council on the recommendation of the Minister.

(3) Every person who stores or deals in motor vehicles or conducts a garage business, parking station, parking lot or used car lot without a licence shall for the first offence be liable to a penalty of not less than $10 and not more than $50; for the second or any subsequent offence, to a penalty of not less than $50 and not more than $200, and for the third or any subsequent offence shall also be liable to imprisonment for a term of not more than three months. R.S.O. 1937, c. 288, s. 24 (1-3).

(4) Any peace officer may enter into any place where motor vehicles or bicycles are stored or dealt in, or into any garage, parking station, parking lot or used car lot required to be licensed and make such investigation and inspection as he thinks proper. R.S.O. 1937, c. 288, s. 24 (4); 1941, c. 22, s. 3.

(5) Any person who obstructs, molests or interferes with any such constable or officer in the performance of his duty under subsection 4 shall be liable for the first offence to a penalty of not less than $25 and not more than $100; for the second offence to a penalty of not less than $100 and not more than $300; and for any subsequent offence shall be liable to a penalty of not less than $300 and not more than $500 and shall also be liable to imprisonment for a term of not more than six months.

(6) The Minister may suspend or cancel the licence issued for a garage business, parking station, parking lot or used car lot for misconduct or for non-compliance with or infraction of any of the provisions of this Act or of the regulations by the holder of such licence or by any of his employees or for any other reason appearing to him to be sufficient.

(7) The Lieutenant-Governor in Council, upon the recommendation of the Minister, may make regulations controlling and governing the conduct of a garage business, parking station, parking lot or used car lot. R.S.O. 1937, c. 288, s. 24 (5-7).

27.—(1) All persons who buy, sell, wreck or otherwise deal in second-hand motor vehicles or bicycles shall keep a correct record of all motor vehicles and bicycles bought, sold or wrecked and of such information as will enable such motor vehicles and bicycles to be readily identified, and shall transmit within six days to the Department, on forms furnished by the Department, a statement of each motor vehicle bought, sold or wrecked by them and such information with reference
thereto as may be required by the Department. R.S.O. 1937, c. 288, s. 25 (1); 1941, c. 22, s. 4 (1).

(2) No person shall buy, sell, wreck or otherwise deal with any motor vehicle or bicycle where the manufacturer’s serial number or similar identifying mark has been obliterated or defaced or is not readily recognizable. R.S.O. 1937, c. 288, s. 25 (2); 1941, c. 22, s. 4 (2).

(3) No person shall deface or remove the manufacturer’s serial number or identifying mark from a motor vehicle or from the engine thereof or from a bicycle. R.S.O. 1937, c. 288, s. 25 (3); 1941, c. 22, s. 4 (3).

(4) Where any motor vehicle is placed in the possession of a person who repairs, buys, sells, wrecks or stores motor vehicles or conducts what is known as a garage business, parking station, parking lot or used car lot and the same remains in his possession for more than two weeks without good reason, such person shall forthwith, upon the expiration of the said period of two weeks, make a report thereof to the Department.

(5) If a motor vehicle which shows evidence of having been involved in a serious accident or having been struck by a bullet is brought into a garage, parking station, parking lot, used car lot or repair shop, the person in charge of the garage, parking station, parking lot, used car lot or repair shop shall forthwith report the same to the nearest provincial or municipal police officer, giving the name and address of the owner or operator and also the permit number and a description of the vehicle.

(6) Any person who violates any of the provisions of this section shall be liable for the first offence to a penalty of not less than $10 and not more than $50; for the second offence to a penalty of not less than $20 and not more than $100; and for any subsequent offence to a penalty of not less than $50 and not more than $200, and shall also be liable to imprisonment for a term of not more than thirty days. R.S.O. 1937, c. 288, s. 25 (4-6).

PART V

RATE OF SPEED

28.—(1) No motor vehicle shall be operated at a greater rate of speed than,

(a) fifty miles per hour,

(i) upon a highway not within a city, town, village, police village or built-up area, or
(ii) upon a highway designated by the Lieutenant-Governor in Council as a controlled-access highway under The Highway Improvement Act, whether or not such highway is within a city, town, village, police village or built-up area;

(b) subject to clause a, thirty miles per hour upon a highway within a city, town, village, police village or built-up area;

(c) twenty miles per hour over a level railway crossing; or

(d) fifteen miles per hour if equipped wholly or in part with solid tires.

(2) The council of any city, town or village may by by-law prescribe a lower speed limit for motor vehicles when operated in any public park or exhibition ground but such lower speed limit shall not be less than fifteen miles per hour.

(3) Subsections 1 and 2 shall not apply to a motor vehicle of a municipal fire department while proceeding to a fire or answering a fire alarm call.

(4) Any person who violates any of the provisions of this section or any by-law passed under this section shall be guilty of an offence and shall be liable for the first offence to a penalty of not less than $5 and not more than $50; for the second offence to a penalty of not less than $10 and not more than $100, and in addition his licence or permit may be suspended for a period of not more than three months; and for any subsequent offence shall be liable to a penalty of not less than $20 and not more than $200, and in addition his licence or permit may be suspended for a period of not more than six months. 1947, c. 45, s. 3.

29.—(1) Every person who drives a vehicle on a highway without due care and attention or without reasonable consideration for other persons using the highway shall be guilty of an offence and shall be liable to a penalty of not less than $5 and not more than $100, or to imprisonment for a term of not more than one month, and in addition his licence or permit may be suspended for a period of not more than six months. 1947, c. 45, s. 4.

(2) Driving a motor vehicle with persons or property in the front or driver's seat so placed as to interfere with the proper management or control of the vehicle by the driver, shall be deemed to be driving without due care and attention within the meaning of this section. 1939, c. 20, s. 6, part.
30.—(1) No person shall drive a motor vehicle upon a highway in a race or on a bet or wager.

(2) Any person who violates any of the provisions of section 1 shall be liable for the first offence to a penalty of not less than $25 and not more than $100, and shall also be liable to imprisonment for a term of not more than thirty days, and in addition his licence or permit may be suspended for a period of not more than sixty days; and for any subsequent offence shall be liable to a penalty of not less than $100 and not more than $500, and shall also be liable to imprisonment for a term of not more than six months, and in addition his licence or permit may be suspended for a period of not more than one year. R.S.O. 1937, c. 288, s. 28.

31.—(1) The municipal corporation or other authority having jurisdiction over the highway, and in the case of a provincial highway or a highway in territory without municipal organization the Lieutenant-Governor in Council, may make regulations limiting any vehicle passing over a bridge to a speed of not less than five miles per hour, and notice of the limit of speed fixed by such regulation, legibly printed, shall be posted up in a conspicuous place at each end of the bridge. R.S.O. 1937, c. 288, s. 30 (1); 1947, c. 45, s. 6.

(2) A person who injures or interferes with such notice shall be liable to a penalty of not less than $1 and not more than $10. R.S.O. 1937, c. 288, s. 30 (2).

32.—(1) No motor vehicle shall be driven upon a highway at such a slow rate of speed as to impede or block the normal and reasonable movement of traffic thereon except when such slow rate of speed is necessary for safe operation having regard to all the circumstances. R.S.O. 1937, c. 288, s. 31 (1); 1947, c. 45, s. 7.

(2) Any person who violates any of the provisions of this section shall be liable for the first offence to a penalty of not less than $5 and not more than $50; and for any subsequent offence to a penalty of not less than $10 and not more than $100, and in addition his licence or permit, or both, may be suspended for a period of not more than thirty days. R.S.O. 1937, c. 288, s. 31 (2).

33. Any person who removes, defaces, or in any manner interferes with any notice or obstruction lawfully placed on a highway shall be liable for the first offence to a penalty of not less than $25 and not more than $100, and shall also be liable to imprisonment for a term of not more than thirty days; and
for any subsequent offence shall be liable to a penalty of not less than $100 and not more than $500, and shall also be liable to imprisonment for a term of not more than six months. R.S.O. 1937, c. 288, s. 32.

PART VI

WEIGHT AND LOAD

34.—(1) In this section,

(a) “Class A Highway” means a highway designated as such by the Minister;

(b) “Class B Highway” means a highway not designated by the Minister as a “Class A Highway”. R.S.O. 1937, c. 288, s. 33 (1).

(2) Unless a special permit has been issued pursuant to section 35, no vehicle having a gross weight in excess of the following shall be moved upon wheels, rollers or otherwise over or upon a Class A Highway:

(a) The gross weight of a vehicle of four wheels with two driving axles spaced more than eight feet apart and of a public vehicle shall not exceed 26,000 pounds and the weight upon one axle shall not exceed 16,000 pounds.

(b) The gross weight of a vehicle of six wheels so designed that under any loading conditions the ratio of the weight on the middle axle to the weight on the rear axle remains constant, shall not exceed 34,000 pounds and the weight on one axle shall not exceed 16,000 pounds.

(c) The gross weight of a vehicle equipped wholly or in part with non-pneumatic tires shall not exceed 16,000 pounds and the weight upon one axle shall not exceed 12,000 pounds.

(d) The gross weight of a semi-trailer with two axles so designed that under any loading conditions the weight on both axles remains constant shall not exceed 28,000 pounds;

(e) The gross weight of a vehicle other than those mentioned in clauses (a), (b), (c) and (d) shall not exceed 22,000 pounds and the weight upon one axle shall not exceed 16,000 pounds, and if axles are spaced less than eight feet apart the weight on one axle shall not exceed
12,000 pounds. R.S.O. 1937, c. 288, s. 33 (2); 1941, c. 22, s. 7 (1-3); 1950, c. 25, s. 4.

(3) Unless a special permit has been issued pursuant to section 35, no vehicle having a gross weight in excess of the following shall be moved upon wheels, rollers or otherwise over or upon a Class B Highway:

(a) The gross weight of a vehicle shall not exceed 16,000 pounds and the weight upon one axle shall not exceed

12,000 pounds, and if axles are spaced less than eight feet apart the weight on one axle shall not exceed 10,000 pounds.

(4) No vehicle, object or contrivance for moving loads which is equipped with tires of less than six inches in width shall be operated or moved upon or over any highway, the weight of which, or the gross weight of which, exceeds 500 pounds upon any inch in width of tire, roller, wheel or other object, and no vehicle equipped with tires of six inches or more in width, the weight or gross weight of which exceeds 600 pounds upon any inch in width of the tire, shall be so operated without first obtaining a permit as provided by section 35. R.S.O. 1937, c. 288, s. 33 (3, 4).

(5) The Lieutenant-Governor in Council may make regulations prescribing the minimum width of tires with which any vehicle operated upon a highway shall be equipped. 1941, c. 22, s. 7 (4).

(6) For the purpose of this section the width of solid rubber or pneumatic tires shall be as stamped thereon by the manufacturer and approved by the Department.

(7) Any person who violates any of the provisions of this section shall be liable for the first offence to a penalty of not less than $25 and not more than $50; for the second offence to a penalty of not less than $50 and not more than $100, and in addition his licence or permit may be suspended for a period not exceeding thirty days; and for any subsequent offence shall be liable to a penalty of not less than $100 and not more than $200, and shall also be liable to imprisonment for a term of not more than thirty days, and in addition his licence or permit may be suspended for a period of not more than six months.

(8) The municipal corporation or other authority having jurisdiction over a bridge may by by-law approved by the Department make regulations limiting the weight of any vehicle passing over such bridge and notice of the limit of the weight fixed by such regulation, legibly printed, shall be posted up in a conspicuous place at each end of the bridge. R.S.O. 1937, c. 288, s. 33 (6-8).
(9) The Lieutenant-Governor in Council may make regulations limiting the weight of any vehicle passing over a bridge forming part of a provincial highway or a highway in territory without municipal organization and the requirements of subsection 8 with respect to the posting up of notice shall apply thereto. 1947, c. 45, s. 8.

35.—(1) The municipal corporation or other authority having jurisdiction over the highway may, upon application in writing, grant a permit for the moving of heavy vehicles, loads, objects or structures in excess of the limits prescribed by section 19 or 34.

(2) Such permit may be general or may limit the time and the particular highway which may be used, and may contain any special conditions or provisions which may be deemed necessary for the protection of the highway from injury, and the municipal corporation or other authority may require a bond sufficient to cover the cost of repairing such possible injury to the highway.

(3) The council of any municipality may, by by-law, provide that such permit may be issued by any officer of the corporation named therein.

(4) In the case of a vehicle for which a permit is required under this section in order to pass over a highway or highways under the jurisdiction of two or more municipalities or other authorities, the permit so to do may be issued by the Department, which permit shall be in lieu of the several permits to be otherwise obtained from the municipal corporations or other authorities, and the permit may limit the time and the particular highway or highways which may be used, and may contain any special conditions or provisions which may be deemed necessary to protect such highways from injury, and the Department may require a bond sufficient to cover the cost of repairing such possible injury to the highway.

(5) The owner, driver, operator or mover of any such vehicle, object or contrivance who has obtained the permit mentioned in this section shall nevertheless be responsible for all damages which may be caused to the highway by reason of the driving, operating or moving of any such vehicle, object or contrivance. R.S.O. 1937, c. 288, s. 34.

36.—(1) Subject to subsection 1 of section 15 of The Public Vehicles Act, no motor vehicle or trailer having a permit issued under this Act, the fee for which is based upon the weight of the vehicle and load, shall at any time when upon a public highway carry a load in excess of that for which the permit was
issued as stated upon the permit, and for which the fee therefor was estimated. R.S.O. 1937, c. 288, s. 35 (1); 1941, c. 22, s. 8 (1).

(2) The permit issued for every commercial motor vehicle and for every trailer drawn by it shall whenever such vehicle is on a highway be carried by the driver thereof, or be placed in some readily accessible position in the vehicle and shall be produced when demanded by a constable or an officer appointed for carrying out the provisions of this Act or The Rev. Stat., Public Commercial Vehicles Act. R.S.O. 1937, c. 288, s. 35 (2).

(3) Subsection 2 shall not apply when a permit has been surrendered for transfer of registration or whenever such surrender is required by law. 1946, c. 39, s. 4 (1).

(4) During the months of March and April commercial motor vehicles and trailers, other than public vehicles, operated over or upon any portion of the King's Highway to which the provisions of this subsection are declared to be applicable by the Lieutenant-Governor in Council, or upon any other highway not within a city or separated town, shall not be loaded in excess of the limits prescribed hereunder without obtaining a permit as provided by section 35:

(a) A vehicle equipped wholly or in part with solid tires shall not be loaded in excess of one-half the carrying capacity as registered with the Department.

(b) A vehicle equipped wholly with pneumatic tires, having a carrying capacity registered with the Department of three tons and not more than six tons, shall not be loaded in excess of three tons.

(c) A vehicle equipped wholly with pneumatic tires and having a registered carrying capacity in excess of six tons shall not be loaded in excess of one-half the capacity registered with the Department.

(5) During the months of March and April, a vehicle other than a motor vehicle, or trailer, operated over or upon any portion of the King's Highway to which the provisions of this subsection are declared to be applicable by the Lieutenant-Governor in Council, or upon any other highway not within a city or separated town, and having a carrying capacity exceeding one ton, shall not be loaded in excess of 250 pounds upon any inch in width of tire without obtaining a permit as provided by section 35.

(6) Any person who violates any of the provisions of this section shall be liable for the first offence to a penalty of not less
than $10 and not more than $50; for the second offence to a penalty of not less than $20 and not more than $100, and in addition his licence or permit may be suspended for a period of not more than thirty days; and for any subsequent offence shall be liable to a penalty of not less than $50 and not more than $200, and shall also be liable to imprisonment for a term of not more than thirty days and in addition his licence or permit may be suspended for a period of not more than six months.

(7) The council of a city or separated town may, by by-law, declare the provisions of subsections 4, 5 and 6 to be in force in respect of highways within the city or separated town. R.S.O. 1937, c. 288, s. 35 (3-6).

(8) The municipal corporation or other authority having jurisdiction over any highway, may declare the provisions of subsections 4, 5 and 6 to extend and apply to highways under its jurisdiction during any period of the year or that the provisions of subsections 4 and 5 shall not apply to any or all highways under its jurisdiction; provided, however, that a by-law of a municipality passed under this subsection shall not take effect until it has received the approval of the Minister. R.S.O. 1937, c. 288, s. 35 (7); 1941, c. 22, s. 8 (2).

(9) In the case of highways under the jurisdiction of the Department and highways in territory without municipal organization, the Lieutenant-Governor in Council may, upon the recommendation of the Minister, declare the provisions of subsections 4, 5 and 6 to extend and apply during any period of the year. R.S.O. 1937, c. 288, s. 35 (8); 1946, c. 39, s. 4 (2).

37.—(1) Any constable or any officer appointed for carrying out the provisions of this Act, having reason to believe that the weight of a vehicle and load is in excess of that permitted by this Act or in excess of that authorized under the permit issued for the vehicle may weigh the same either by means of portable or stationary scales and may require that such vehicle be driven to the nearest scales if they are within a distance of two miles, and where it is found that the vehicle is carrying an excessive load, the constable or officer may require the driver to forthwith remove so much of the load as is necessary to bring it within the weight so permitted or authorized.

(2) Any driver who, when so required to proceed to a weighing machine, refuses or fails to do so, shall be liable for the first offence to a penalty of not less than $10 and not more than $50; for the second offence to a penalty of not less than $20 and not more than $100, and in addition his licence or
permit may be suspended for a period of not more than thirty
days; and for any subsequent offence shall be liable to a penalty
of not less than $50 and not more than $200, and shall also be
liable to imprisonment for a term of not more than thirty days,
and in addition his licence or permit may be suspended for a
period of not more than six months. R.S.O. 1937, c. 288,
s. 36 (1, 2).

(3) When a weighing machine capable of weighing a vehicle
cannot be reached within the prescribed distance, or in lieu of
proceeding to such weighing machine, the driver of the vehicle
shall produce forthwith an inventory showing the true weight
of the vehicle and the goods or load thereon, verified in
writing by the owner of the vehicle. R.S.O. 1937, c. 288,
s. 36 (3); 1941, c. 22, s. 9 (1).

(4) In lieu of proceeding to a weighing machine the weight
of the load may be determined by a portable weighing device
provided by the officer, and it shall be the duty of the driver
of the vehicle to facilitate the weighing of the vehicle and load
by such device.

(5) Any person who violates any of the provisions of sub-
sections 3 and 4 shall be liable for the first offence to a penalty
of not less than $5 and not more than $10; for the second
offence to a penalty of not less than $10 and not more than $25;
and for any subsequent offence to a penalty of not less than
$25 and not more than $50, and in addition his licence or
permit may be suspended for a period of not more than sixty
days. R.S.O. 1937, c. 288, s. 36 (4, 5).

(6) For the purposes of this section,

(a) a combination of vehicles consisting of a motor vehicle
and semi-trailer shall be deemed to be one vehicle; and

(b) "semi-trailer" means any trailer which is so designed
that, when operated, the forward part of its body or
chassis rests upon the body or chassis of the towing
vehicle. 1941, c. 22, s. 9 (2).

38.—(1) Every vehicle carrying a load which overhangs
the rear of the vehicle to the extent of five feet or more shall
display upon such overhanging load at the extreme rear end
thereof at all times between dusk and dawn a red light, and
at all other times a red flag or a red wooden or metal sign
sufficient to indicate the projection of such load.

(2) Every commercial motor vehicle and every trailer shall
be loaded in such a manner that no portion of the load may
become dislodged or fall from the commercial motor vehicle
or trailer during transit.
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(3) Any person who violates any of the provisions of sub-section 1 or 2 shall be liable for the first offence to a penalty of not less than $5 and not more than $10; for the second offence to a penalty of not less than $10 and not more than $25; and for any subsequent offence to a penalty of not less than $25 and not more than $50, and in addition his licence or permit may be suspended for a period of not more than sixty days. R.S.O. 1937, c. 288, s. 37.

39.—(1) The Lieutenant-Governor in Council may make regulations regulating the transportation of explosives and other dangerous articles upon the highway.

(2) Every person who violates the provisions of the regulations made under this section shall be liable to a penalty of not less than $25 and not more than $250, or to imprisonment for a term of not more than three months, or to both. 1939, c. 20, s. 7.

40.—(1) Every commercial motor vehicle and every trailer drawn by it shall have attached to or painted on both sides of the vehicle in a clearly visible position a sign showing the name and address of the owner, provided that the Department may by regulation designate any vehicle or classes of vehicles to which this subsection shall not apply. R.S.O. 1937, c. 288, s. 38 (1); 1949, c. 40, s. 6.

(2) Every commercial motor vehicle and every trailer shall have securely attached to the back thereof, within six inches of the left side of the body in such a position as to reflect the light from the headlights of a vehicle approaching from the rear, a red reflector approved by the Department.

(3) Any person who violates any of the provisions of sub-section 1 or 2 shall be liable for the first offence to a penalty of not more than $5; for the second offence to a penalty of not less than $5 and not more than $10; and for any subsequent offence to a penalty of not less than $10 and not more than $25, and in addition his licence or permit may be suspended for a period of not more than thirty days. R.S.O. 1937, c. 288, s. 38 (2, 3).

PART VII

RULES OF THE ROAD

41.—(1) Where two persons in charge of vehicles or on horseback approach a crossroad or intersection, or enter an intersection, at the same time, the person to the right hand of the other vehicle or horseman shall have the right-of-way.
(a) The driver or operator of a vehicle within an intersection intending to turn to the left across the path of any vehicle approaching from the opposite direction may make such left turn only after affording a reasonable opportunity to the driver or operator of such other vehicle to avoid a collision.

(b) The driver or operator of a vehicle intending to turn to the right into an intersecting highway shall approach such intersection and turn as closely as practicable to the right curb or edge of the travelled portion of the highway.

(c) The driver or operator of a vehicle intending to turn to the left into an intersecting highway shall approach such intersection as closely as practicable to the centre line of the highway and the left turn shall be made by passing to the right of such centre line where it enters the intersection, and upon leaving the intersection by passing to the right of the centre line of the highway then entered.

(d) The driver or operator of a vehicle upon a highway before turning to the left from a direct line shall first see that such movement can be made in safety, and if the operation of any other vehicle may be affected by such movement shall give a signal plainly visible to the driver or operator of such other vehicle of the intention to make such movement.

(e) The signal required in clause d shall be given either by means of the hand and arm in the manner herein specified or by a mechanical or electrical signal device which has been approved by the Department.

(f) Whenever the signal is given by means of the hand and arm the driver or operator shall indicate his intention to turn by extending the hand and arm horizontally from and beyond the left side of the vehicle. R.S.O. 1937, c. 288, s. 39 (1).

(2) (a) Lights of green, amber and red may be used for signal-light traffic control systems and such lights shall be arranged vertically with the red light at the top and the green light at the bottom. R.S.O. 1937, c. 288, s. 39 (2), cl. (a); 1938, c. 17, s. 7 (1).

(b) When a green signal-light is shown at an intersection the driver or operator of a vehicle or car of an electric railway which is approaching the intersection and facing such light may proceed across the intersection
or turn left or right. R.S.O. 1937, c. 288, s. 39 (2), cl. (b).

(c) When a red signal-light is shown at an intersection every driver or operator of a vehicle or car of an electric railway which is approaching the intersection and facing such light shall bring his vehicle or car to a full stop immediately before entering the nearest crosswalk at the intersection, and shall not proceed until a green light is shown, provided that the driver or operator may turn to the right after bringing the vehicle or car to a full stop.

(d) When green and amber signal-lights are shown simultaneously at an intersection, the driver or operator of a vehicle or car of an electric railway which is approaching the intersection and facing such lights, shall bring his vehicle or car to a full stop immediately before entering the nearest crosswalk at the intersection, provided that where any such vehicle or car cannot be brought to a stop in safety before entering the intersection, it may be driven cautiously across the intersection. R.S.O. 1937, c. 288, s. 39 (2), cl. (c, d); 1942, c. 21, s. 2; 1943, c. 10, s. 3 (1, 2).

(e) When under this section the driver or operator of a vehicle or car of an electric railway is permitted to proceed across an intersection or to turn left or right, such permission shall be subject always to the safety of pedestrians and other traffic.

(f) (i) When a green signal-light is shown at an intersection a pedestrian approaching the intersection and facing such light may proceed across the roadway provided that where markings upon the roadway indicate the portion of the roadway to be used by pedestrian traffic, the pedestrian shall proceed within the marked portion.

(ii) When a red signal-light is shown, and where green and amber signal-lights are shown simultaneously, at an intersection, a pedestrian approaching such intersection and facing such light or lights, shall not enter the roadway unless he can do so with safety and without interfering with vehicular traffic. R.S.O. 1937, c. 288, s. 39 (2), cl. (e, f).

(g) (i) When a red signal-light illuminated by rapid intermittent flashes is shown at an intersection the driver or operator of a vehicle or of a car of an electric railway, which is approaching the inter-
section and facing such light, shall bring his vehicle or car to a full stop before entering such intersection and the right to proceed shall be subject to the rules applicable after making a full stop at a through highway.

(ii) When an amber light illuminated by rapid intermittent flashes is shown at the intersection the driver or operator of a vehicle or of a car of an electric railway, which is approaching the intersection and facing such light, may proceed through the intersection only with caution. 1940, c. 9, s. 4 (1).

(iii) When a red signal-light with a green arrow is shown at an intersection, the driver or operator of a vehicle or a car of an electric railway which is approaching the intersection and facing such light may proceed with caution into the intersection only to make the movement indicated by such arrow, but shall yield the right-of-way to pedestrians and other traffic lawfully using the intersection; and a pedestrian facing such signal shall not enter the roadway unless he can do so safely and without interfering with vehicular traffic. 1950, c. 25, s. 5 (1).

(h) The provisions of this subsection shall be subject to any sign or notice forbidding a left or right turn or both, which may be conspicuously posted at any intersection and to any direction of a constable or other person who is authorized to direct traffic. R.S.O. 1937, c. 288, s. 39 (2), cl. (g).

(i) (i) Every signal-light traffic control system installed after the 9th day of April, 1936, shall consist of sets of green, amber and red signal-lights, each of which shall be mounted on a post or other standard located on the right side of the roadway used by the traffic controlled by it and upon the side of the intersecting roadway which is remote from such traffic as it approaches, and the lower portion of each of such sets shall be not less than nine feet from the level of the roadway, provided that where any such system is installed at an intersection other than an intersection where two highways cross, the arrangement of the lights shall comply as nearly as possible with the provisions of this subsection.

(ii) A signal-light traffic control system may be erected and maintained at a place other than an
intersection, in which event the provisions of this section, except those which by their nature can have no application, shall be applicable, and any stop required shall be made at a sign or marking on the roadway indicating where the stop shall be made or, in the absence of any such sign or marking, at the signal.

(iii) No signal-light traffic control system shall be erected unless the approval of the Department has been obtained. R.S.O. 1937, c. 288, s. 39 (2), cl. (h); 1939, c. 20, s. 8; 1950, c. 25, s. 5 (2).

(3) The operator or driver of every vehicle or car of an electric railway shall before entering or crossing a through highway bring the vehicle or car to a full stop immediately before entering the nearest crosswalk.

(a) The driver or operator of any vehicle who has come to a full stop as required above, upon entering the through highway, as well as drivers or operators of vehicles on such through highway, shall be subject to the usual right-of-way rule prescribed in subsection 1 and applicable to vehicles at intersections.

(b) “through highway” means any highway or part of a highway designated as such by the Minister or by by-law of a municipality approved by the Department, and every such highway shall be marked to comply with the regulations of the Department. R.S.O. 1937, c. 288, s. 39 (3); 1938, c. 17, s. 7 (2); 1943, c. 10, s. 3 (3).

(4) For the purposes of subsections 2 and 3, “intersection” includes any portion of a highway distinctly indicated as a crossing place for pedestrians by lines or other markings on the surface of the highway. 1941, c. 22, s. 10 (1).

(5) Where a highway has been divided into clearly marked lanes for traffic,

(a) a vehicle shall be driven as nearly as may be practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety;

(b) in the case of a highway which is divided into three lanes, a vehicle shall not be driven in the centre lane except when overtaking and passing another vehicle where the travelled portion of the highway is clearly visible and the centre lane is clear of traffic within a
reasonably safe distance, or in preparation for a left turn, or where such centre lane is at the time designated for the use of traffic moving in the direction in which the vehicle is proceeding and official signs are erected to indicate such designation;

(c) any lane may be designated for slowly moving traffic or traffic moving in a particular direction provided that official signs are erected to indicate such designation, and where a highway is so designated the driver of every vehicle shall obey the direction on the official signs. R.S.O. 1937, c. 288, s. 39 (4); 1947, c. 45, s. 9.

(6) Where a highway has been designated for the use of one-way traffic only and official signs have been erected accordingly, vehicles shall be driven only in the direction so designated. R.S.O. 1937, c. 288, s. 39 (5).

(7) For the purposes of subsections 5 and 6, “designated” means designated by the Minister or by any person authorized by him to make such designation or designated by by-law of a municipality, approved by the Department. R.S.O. 1937, c. 288, s. 39 (6); 1950, c. 25, s. 5 (3).

(8) Where a person travelling or being upon a highway in charge of a vehicle meets another vehicle, he shall turn out to the right from the centre of the road, allowing to the vehicle so met one-half of the road free.

(9) Where a person travelling or being upon a highway in charge of a vehicle meets a person travelling upon a bicycle or tricycle, the person in charge of the vehicle shall allow the person travelling on the bicycle or tricycle sufficient room on the travelled portion of the highway to pass.

(10) Where a person travelling or being upon a highway in charge of a vehicle or on horseback is overtaken by a vehicle or horseman travelling at greater speed, the person so overtaken shall quietly turn out to the right and allow such vehicle or horseman to pass. R.S.O. 1937, c. 288, s. 39 (7-9).

(11) Any person so overtaking another vehicle or horseman shall turn out to the left so far as may be necessary to avoid a collision with the vehicle or horseman overtaken, and the person overtaken shall not be required to leave more than one-half of the road free; provided that the person in charge of a vehicle may overtake and pass another vehicle upon its right side if the other vehicle is making or about to make a left turn. R.S.O. 1937, c. 288, s. 39 (10); 1938, c. 17, s. 7 (3).
(12) Where a person travelling or being upon a highway on a bicycle or a tricycle is overtaken by a vehicle or horseman travelling at a greater speed, the person so overtaken shall quietly turn out to the right and allow such vehicle or horseman to pass and the person so overtaking a bicycle or tricycle shall turn out to the left so far as may be necessary to avoid a collision.

(13) No person while riding on a bicycle shall attach the bicycle to or take hold of any other vehicle for the purpose of being drawn along a highway.

(14) No person riding on a bicycle designed for carrying one person only shall carry any other person thereon.

(15) Where one vehicle is met or overtaken by another, if by reason of the weight of the load on either of the vehicles so meeting or on the vehicle so overtaken, the driver finds it impracticable to turn out, he shall immediately stop, and, if necessary for the safety of the other vehicle, and if required so to do, he shall assist the person in charge thereof to pass without damage.

(16) No person in charge of a vehicle shall pass or attempt to pass another vehicle going in the same direction on a highway unless the travelled portion of the highway in front of and to the left of the vehicle to be passed is safely free from approaching traffic.

(17) The driver or operator of a commercial motor vehicle when driving upon a highway outside of a city, town or village shall not follow within 100 feet of another commercial motor vehicle; but this shall not be construed to prevent one commercial motor vehicle overtaking and passing another such vehicle.

(18) The driver of a vehicle, upon the approach of an ambulance, fire or police department vehicle, or public utility emergency vehicle upon which a bell or siren is sounding, shall immediately bring such vehicle to a standstill as near as is practicable to the right-hand curb or edge of the roadway and parallel therewith and clear of any intersection.

(19) No vehicle shall follow any fire department vehicle when responding to an alarm at a distance of less than 500 feet.

(20) Any person who violates any of the provisions of this section shall be liable for the first offence to a penalty of not more than $10; for the second offence to a penalty of not less than $10 and not more than $25; and for any subsequent offence to a penalty of not less than $25 and not more than $50,
and in addition his licence or permit may be suspended for a period of not more than sixty days. R.S.O. 1937, c. 288, s. 39 (11-19).

42.—(1) When a highway has been divided into traffic lanes by an unpaved portion lying between two parallel paved roadways, no person shall operate or drive any vehicle or lead, ride or drive any animal,

(a) along or upon such highway except upon the roadway on the right-hand side, having regard to the direction in which the vehicle is being operated or drawn or the animal is being led, ridden or driven; or

(b) on, over or across the unpaved portion of the highway except at those points where crossings are marked or provided.

(2) Any person who violates any of the provisions of subsection 1 shall be liable for the first offence to a penalty of not more than $10; for the second offence to a penalty of not more than $20; for the third offence to a penalty of not more than $30; and for any subsequent offence to a penalty of not more than $50. 1938, c. 17, s. 8.

43.—(1) No person shall park or leave standing any vehicle whether attended or unattended, upon the travelled portion of a highway, outside of a city, town or village, when it is practicable to park or leave such vehicle off the travelled portion of such highway; provided, that in any event, no person shall park or leave standing any vehicle, whether attended or unattended, upon such a highway unless a clear view of such vehicle and of the highway for at least 400 feet beyond the vehicle may be obtained from a distance of at least 400 feet from the vehicle in each direction upon such highway. R.S.O. 1937, c. 288, s. 40 (1); 1941, c. 22, s. 11 (1).

(2) The Lieutenant-Governor in Council may make regulations prohibiting or regulating the parking of vehicles upon the King's Highway, and upon any other highway within a distance of 300 feet from the intersection of such highway with the King's Highway. 1947, c. 45, s. 10 (1); 1950, c. 25, s. 6.

(3) Whenever a constable or an officer appointed for carrying out the provisions of this Act finds a vehicle upon a highway in violation of the provisions of this section or the regulations, he may move the vehicle or require the driver or operator or other person in charge of the vehicle to move the same. R.S.O. 1937, c. 288, s. 40 (2); 1947, c. 45, s. 10 (2).
(4) The provisions of this section shall not apply to the driver or operator of a vehicle which is so disabled while on a highway that it is impossible to avoid temporarily a violation of such provisions. R.S.O. 1937, c. 288, s. 40 (3); 1938, c. 17, s. 9 (1).

(5) No person shall park or leave any vehicle upon a highway unless he has taken such action as may be reasonably necessary in the circumstances to prevent the vehicle from moving or being set in motion. 1947, c. 45, s. 10 (3).

(6) Every commercial motor vehicle, when on a highway outside a city, town or village after dusk and before dawn, shall be equipped with a sufficient number of flares, lamps or lanterns which have been approved by the Department, capable of continuously producing two warning lights, each visible from a distance of at least 500 feet for a period of at least eight hours. R.S.O. 1937, c. 288, s. 40 (4).

(7) Whenever any commercial motor vehicle or trailer is disabled during the period when lighted lamps are required to be displayed on vehicles and the vehicle cannot immediately be removed from the travelled portion of a highway outside a city, town or village, the driver or other person in charge of the vehicle shall cause such flares, lamps or lanterns to be lighted, placed and maintained upon the highway until dawn or the removal of the vehicle, one at a distance of approximately 100 feet in advance of the vehicle and one at a distance of approximately 100 feet to the rear of the vehicle. R.S.O. 1937, c. 288, s. 40 (5); 1938, c. 17, s. 9 (2); 1941, c. 22, s. 11 (2).

(8) Any person who violates any of the provisions of this section shall be liable for the first offence to a penalty of not less than $5 and not more than $50; and for any subsequent offence to a penalty of not less than $10 and not more than $100, and in addition his licence or permit, or both, may be suspended for a period of not more than thirty days. R.S.O. 1937, c. 288, s. 40 (6).

(9) Notwithstanding the provisions of this section, no person shall park or leave standing any vehicle whether attended or unattended upon any highway in such a manner as to interfere with the movement of other traffic or the clearing of snow from the highway. 1946, c. 39, s. 5, part; 1947, c. 45, s. 10 (4).

(10) A constable or an officer appointed for the carrying out of the provisions of this Act upon discovery of any vehicle parked or left in contravention of subsection 9 or of a municipal by-law, may cause it to be moved or taken to and placed or
stored in a suitable place and all costs and charges for removing, care and storage thereof, if any, shall be a lien upon the vehicle, which may be enforced in the manner provided by section 48 of The Mechanics' Lien Act. 1946, c. 39, s. 5, part. c. 227.

44.—(1) Where a portable or traction engine is met or overtaken on a highway by a vehicle drawn by a horse or other animal, or by a horseman, the driver of the engine shall, if practicable, turn out to the right and give such vehicle or horseman at least one-half of the road, and, if requested by the driver, shall stop and remain stationary until the vehicle or horseman has safely passed, and assist such driver or horseman to pass.

(2) It shall be the duty of the driver or of the person in charge of any such engine to see that it makes no noise by whistling or otherwise when any horse or animal is passing or is near or is about to pass the engine on any highway.

(3) Any person who violates any of the provisions of this section shall be liable for the first offence to a penalty of not less than $5 and not more than $10; for the second offence to a penalty of not less than $10 and not more than $25; and for any subsequent offence to a penalty of not less than $25 and not more than $50. R.S.O. 1937, c. 288, s. 41.

45.—(1) Where a person travelling or being upon a highway in charge of a vehicle, or on a bicycle or tricycle, or on horseback or leading a horse, overtakes a street car or a car of an electric railway, operated in or near the centre of the travelled portion of the highway which is stationary for the purpose of taking on or discharging passengers, he shall not pass the car or approach nearer than six feet measured back from the rear or front entrance or exit, as the case may be, of the car on the side on which passengers are getting on or off until such passengers have got on or got safely to the side of the street, as the case may be; provided, however, that this subsection shall not apply where a safety zone has been set aside and designated by a by-law passed under paragraph 108 of subsection 1 of section 388 of The Municipal Act. R.S.O. 1937, c. 288, s. 42 (1); 1943, c. 10, s. 4.

(2) No person in charge of a vehicle or on a bicycle or tricycle or on horseback or leading a horse overtaking a street car or the car of an electric railway, operated in or near the centre of the travelled portion of the highway, which is stationary or in motion, shall pass on the left-hand side of such car, having reference to the direction in which such car is travelling; but this shall not apply to a vehicle belonging to a...
municipal fire department while proceeding to a fire or answering a fire alarm call.

Penalty.

(3) Any person who violates any of the provisions of this section shall be liable for the first offence to a penalty of not less than $10 and not more than $50; for the second offence to a penalty of not less than $20 and not more than $100, and in addition his licence or permit may be suspended for a period of not more than thirty days; and for any subsequent offence shall be liable to a penalty of not less than $50 and not more than $200 and shall also be liable to imprisonment for a term of not more than thirty days, and in addition his licence or permit may be suspended for a period of not more than six months. R.S.O. 1937, c. 288, s. 42 (2, 3).

46.—(1) Every person having the control or charge of a motor vehicle upon a highway, when approaching a horse or other animal which is drawing a vehicle or being driven, led or ridden, shall operate, manage and control the motor vehicle in such manner as to exercise every reasonable precaution to prevent the frightening of the horse or other animal and to ensure the safety and protection of any person driving, leading or riding upon the horse or other animal or being in any vehicle drawn by the horse or other animal.

Penalty.

(2) Any person who violates any of the provisions of subsection 1 shall be liable for the first offence to a penalty of not less than $10 and not more than $50; for the second offence to a penalty of not less than $20 and not more than $100, and in addition his licence or permit may be suspended for a period of not more than thirty days; and for any subsequent offence shall be liable to a penalty of not less than $50 and not more than $200 and shall also be liable to imprisonment for a term of not more than thirty days, and in addition his licence or permit may be suspended for a period of not more than six months. R.S.O. 1937, c. 288, s. 43.

PART VIII

PROHIBITIONS AND RESPONSIBILITY FOR ACCIDENTS

47.—(1) No person shall throw or deposit or knowingly leave on a highway any glass, nails, tacks, scraps of metal or other material which may be injurious to the tires of motor vehicles, or while the highway is covered with snow, deposit ashes or other refuse thereon. R.S.O. 1937, c. 288, s. 44 (1).

(2) No person shall, while on the travelled portion of a highway, solicit a ride or any other thing from or offer to perform any service for the driver or operator of a motor

Depositing glass, etc. on highway prohibited.

Soliciiting rides prohibited.
vehicle other than a public vehicle. R.S.O. 1937, c. 288, s. 44 (2); 1939, c. 20, s. 9.

(3) Any person who violates any of the provisions of sub-Penalty. section 1 or 2 shall be liable for the first offence to a penalty of not less than $5 and not more than $10; for the second offence to a penalty of not less than $10 and not more than $25; and for any subsequent offence to a penalty of not less than $25 and not more than $50, and in addition his licence or permit may be suspended for a period of not more than sixty days. R.S.O. 1937, c. 288, s. 44 (3).

48.—(1) If an accident occurs on a highway, every person in charge of a vehicle or car of an electric railway who is directly or indirectly a party to the accident shall return to the scene of the accident and render all possible assistance and give in writing upon request to any one sustaining loss or injury or to any constable or any officer appointed for carrying out the provisions of this Act or to any witness, his name and address, and also the name and address of the owner of the vehicle, and the number of the permit, if any. R.S.O. 1937, c. 288, s. 45 (1); 1943, c. 10, s. 5.

(2) Any person who violates any of the provisions of sub-Penalty. section 1 shall be liable for the first offence to a penalty of not less than $25 and not more than $100, and shall also be liable to imprisonment for a term of not more than thirty days, and in addition his licence or permit may be suspended for a period of not more than sixty days; and for any subsequent offence shall be liable to a penalty of not less than $100 and not more than $500 and shall also be liable to imprisonment for a term of not more than six months, and in addition his licence or permit may be suspended for a period of not more than one year. R.S.O. 1937, c. 288, s. 45 (2).

49. The owner of a motor vehicle shall incur the penalties Motor provided for any violation of this Act or of any regulation made by the Lieutenant-Governor in Council or of any municipal by-law for regulating traffic approved by the Department unless at the time of the violation the motor vehicle was in the possession of some person other than the owner or his chauffeur without the owner’s consent, and the driver of a motor vehicle not being the owner shall also incur the penalties provided for any such violation. R.S.O. 1937, c. 288, s. 46; 1946, c. 39, s. 6.

50.—(1) The owner of a motor vehicle shall be liable for loss or damage sustained by any person by reason of negligence in the operation of the motor vehicle on a highway unless the...
motor vehicle was without the owner’s consent in the possession of some person other than the owner or his chauffeur, and the driver of a motor vehicle not being the owner shall be liable to the same extent as the owner.

(2) Notwithstanding subsection 1, the owner or driver of a motor vehicle, other than a vehicle operated in the business of carrying passengers for compensation, shall not be liable for any loss or damage resulting from bodily injury to, or the death of any person being carried in, or upon, or entering, or getting on to, or alighting from the motor vehicle. R.S.O. 1937, c. 288, s. 47.

51.—(1) When loss or damage is sustained by any person by reason of a motor vehicle on a highway, the onus of proof that the loss or damage did not arise through the negligence or improper conduct of the owner or driver of the motor vehicle shall be upon the owner or driver.

(2) This section shall not apply in case of a collision between motor vehicles on the highway nor to an action brought by a passenger in a motor vehicle in respect of any injuries sustained by him while a passenger. R.S.O. 1937, c. 288, s. 48.

52.—(1) No person under the age of 15 years shall drive or operate a motor vehicle or farm tractor on a highway.

(2) No person shall employ or permit anyone under the age of 15 years to drive or operate a motor vehicle or farm tractor on a highway. R.S.O. 1937, c. 288, s. 49 (1, 2); 1943, c. 10, s. 6; 1949, c. 40, s. 7 (1).

(3) Subsections 1 and 2 shall not apply in respect of the driving or operating of a farm tractor directly across a highway. 1949, c. 40, s. 7 (2).

(4) Any person who violates any of the provisions of subsection 1 or 2 shall be liable for the first offence to a penalty of not less than $5 and not more than $10; for the second offence to a penalty of not less than $10 and not more than $25; and for any subsequent offence to a penalty of not less than $25 and not more than $50. R.S.O. 1937, c. 288, s. 49 (3).

53.—(1) No person shall hire or let for hire a motor vehicle unless the person by whom the motor vehicle is to be driven is a person licensed to drive a motor vehicle as required by this Act. R.S.O. 1937, c. 288, s. 50 (1).

(2) Subsection 1 shall not apply to a resident of any other province of Canada who does not reside or carry on business in Ontario for more than six consecutive months in any one year.
or to a resident of a country or state which grants similar exemptions and privileges to residents of Ontario, who does not reside in Ontario for more than three consecutive months in any one year provided such person is the holder of a chauffeur’s or operator’s licence issued by the province, country or state in which he resides.  R.S.O. 1937, c. 288, s. 50 (2); 1941, c. 22, s. 12.

(3) Every person, whether a resident of Ontario or not, hiring a motor vehicle shall produce his operator’s or chauffeur’s licence for the inspection of the person from whom the vehicle is being hired.

(4) Any person who violates any of the provisions of subsection 1 shall be liable for the first offence to a penalty of not less than $5 and not more than $10; for the second offence to a penalty of not less than $10 and not more than $25; and for any subsequent offence to a penalty of not less than $25 and not more than $50, and in addition his licence or permit may be suspended for a period of not more than sixty days.  R.S.O. 1937, c. 288, s. 50 (3, 4).

54. The licence or permit or, in case the licensee is also the owner of the motor vehicle, then both the licence and permit of a person who is convicted of an offence under subsection 4 of section 285 of the Criminal Code (Canada) is thereupon and hereby suspended for a period of,

(a) upon the first offence, three months, but where injury to or the death of any person or damage to property occurred in connection with the offence, six months;

(b) upon the second offence, six months, but where injury to or the death of any person or damage to property occurred in connection with the offence, one year;

(c) upon any subsequent offence, one year, but where injury to or the death of any person or damage to property occurred in connection with the offence, two years;

provided that if an order is made under subsection 7 of such section upon a conviction under subsection 4 of such section prohibiting a person from driving a motor vehicle for any longer period, the licence or permit or both shall remain suspended during such longer period.  1941, c. 22, s. 13; 1950, c. 25, s. 7.

55. Where a person in charge of a vehicle, other than a motor vehicle, or of a horse or other animal used as a means of conveyance, travelling or being on a highway, is through
drunkenness unable to drive or ride the same with safety to other persons travelling on or being upon the highway, he shall be liable for the first offence to a penalty of not less than $10 and not more than $50; for the second offence to a penalty of not less than $20 and not more than $100; and for any subsequent offence shall be liable to a penalty of not less than $50 and not more than $200 and shall also be liable to imprisonment for a term of not more than thirty days. R.S.O. 1937, c. 288, s. 52.

56.—(1) No person shall race or drive furiously any horse or other animal, or shout, or use any blasphemous or indecent language upon a highway.

(2) Any person who violates any of the provisions of subsection 1 shall be liable for the first offence to a penalty of not less than $10 and not more than $50; for the second offence to a penalty of not less than $20 and not more than $100; and for any subsequent offence shall be liable to a penalty of not less than $50 and not more than $200 and shall also be liable to imprisonment for a term of not more than thirty days. R.S.O. 1937, c. 288, s. 53.

57. The use of a highway within Ontario by any person not resident in Ontario operating or responsible for the operation of a motor vehicle within Ontario, shall, by virtue of the right of user conferred by this Act, be deemed to constitute the Registrar an agent of such person for the service of notice or process in an action in Ontario arising out of a motor vehicle accident in Ontario in which such person is involved subject to the following conditions:

(a) Such notice or process may be served by leaving a copy thereof with or at the office of the Registrar, together with a bond in form and by sureties approved by the Registrar in the sum of $200 conditioned on the failure of the plaintiff to prevail in the action for the purpose of reimbursing the defendant for the expenses necessarily incurred by him in defending the action in Ontario.

(b) Such service shall be sufficient service if notice of such service and a copy of the notice or process are forthwith sent by registered mail to the defendant and the defendant's return receipt is filed with the registrar or clerk of the court in which the action or proceeding is brought. R.S.O. 1937, c. 288, s. 54.
PART IX
ARRESTS, IMPOUNDING OF MOTOR VEHICLES, AND REWARDS

58.—(1) Every person called upon to assist a constable or officer appointed for carrying out the provisions of this Act in the arrest of a person suspected of having committed any offence mentioned in subsection 2 may assist if he knows that the person calling on him for assistance is a constable or officer appointed for carrying out the provisions of this Act, and does not know that there are no reasonable grounds for the suspicion. R.S.O. 1937, c. 288, s. 55 (1).

(2) Every constable or officer appointed for carrying out the provisions of this Act, who, on reasonable and probable grounds, believes that a violation of any of the provisions of subsections 1 and 2 of section 4; subsections 1 and 3 of section 5; subsection 1 of section 6; subsection 1 of section 7; subsection 2 or 3 of section 25; section 29, 30, 33, 48 or 68, has been committed, whether it has been committed or not and who, on reasonable and probable grounds, believes that any person has committed such violation, may arrest such person without warrant whether such person is guilty or not. R.S.O. 1937, c. 288, s. 55 (2); 1947, c. 45, s. 11.

(3) Every person may arrest without warrant any person whom he finds committing any such violation. R.S.O. 1937, c. 288, s. 55 (3).

(4) A constable or officer appointed for carrying out the provisions of this Act, making an arrest without warrant, may detain the motor vehicle with which the offence was committed until the final disposition of any prosecution under this Act or under the Criminal Code (Canada), but the motor vehicle may be released on security for its production being given to the satisfaction of a justice of the peace or a magistrate. R.S.O. 1937, c. 288, s. 55 (4); 1950, c. 25, s. 8.

(5) All costs and charges for the care and storage of a motor vehicle detained under subsection 4 shall be a lien upon the motor vehicle, which may be enforced in the manner provided by section 48 of The Mechanics' Lien Act. 1943, Rev. Stat., c. 227, c. 10, s. 7.

(6) A constable or officer appointed for carrying out the provisions of this Act, making an arrest without warrant, shall, with reasonable diligence, take the person arrested before a justice of the peace or magistrate to be dealt with according to law. R.S.O. 1937, c. 288, s. 55 (5).
59.—(1) In the event of,

(a) a conviction under section 25 or 68 of this Act or subsection 4 or 8 of section 285 of the Criminal Code (Canada); or

(b) a second conviction under section 48; or

(c) a third conviction under section 3, 21, 29, 30, 52 or 75, or any of them,

the motor vehicle driven by or under the care or control of the person convicted at the time of the commission of the offence or last offence, as the case may be, shall be seized, impounded and taken into custody of the law for a period of three months, provided the motor vehicle was at such time owned by or registered in the name of such person, or owned by or registered in the name of the husband, wife, parent or dependent child of such person. 1938, c. 17, s. 10, part; 1939, c. 20, s. 10; 1949, c. 40, s. 8.

(2) Where there is a conviction under the section mentioned in clause b of subsection 1 and a previous conviction under a section mentioned in clause a, such first-mentioned conviction shall be deemed a second conviction, and where there is a conviction under a section mentioned in clause c of subsection 1 and a previous conviction or two previous convictions under a section or sections mentioned in clause a or b, such first-mentioned conviction shall be deemed to be a second or third conviction as the case may be. 1938, c. 17, s. 10, part.

(3) Where a person pleads guilty to any of the offences mentioned in subsection 1 the provisions of subsection 1 shall not apply unless the person has been given notice,

(a) by a printed or written statement upon or accompanying the summons; or

(b) by the magistrate or judge verbally before accepting the plea,

in the following form or to the like effect:

"The Highway Traffic Act provides that upon conviction of the offence with which you are charged, in the circumstances indicated therein, the motor vehicle which was driven by you or under your care or control at the time of the commission of the offence shall be seized, impounded and taken into the custody of the law." 1946, c. 39, s. 7.
(4) All costs and charges for the care and storage of the motor vehicle shall be a lien upon the motor vehicle, which may be enforced in the manner provided by section 48 of \textit{The Mechanics' Lien Act.} 1943, c. 10, s. 8.

(5) If the person so convicted or the owner gives sufficient security to the convicting magistrate or justice of the peace, by bond, recognizance, or otherwise, that the motor vehicle shall not be operated upon a highway during such period of three months, the same may be delivered to the person so convicted or the owner thereof, and if the motor vehicle is operated upon a highway during such period, it shall be deemed to be operated without a permit. R.S.O. 1937, c. 288, s. 56 (3); 1950, c. 25, s. 9.

(6) A constable or an officer appointed for carrying out the provisions of this Act upon the discovery of a motor vehicle apparently abandoned on or near a highway or of a motor vehicle without proper registration plates, shall take the motor vehicle into his custody and may cause it to be taken to and stored in a suitable place and all costs and charges for removal, care or storage thereof shall be a lien upon the motor vehicle, which may be enforced in the manner provided by section 48 of \textit{The Mechanics' Lien Act.} R.S.O. 1937, c. 288, s. 56 (4).

\textbf{60.---(1)} Any by-laws passed by a municipal corporation or board of police commissioners or police trustees for regulating traffic on the highways which are inconsistent with the provisions of this Act, shall be deemed to be repealed, and hereafter all by-laws for regulating traffic on highways shall be submitted to the Department for approval and shall not become operative until the Department has approved of same. R.S.O. 1937, c. 288, s. 57.

(2) Any by-law for regulating traffic on highways which is submitted to the Department for approval may be approved in whole or in part and where part of a by-law is approved only that part shall become operative. 1939, c. 20, s. 11.

\section*{PART X}

\textbf{PROCEDURE, PENALTIES AND CONVICTION}

\textbf{61.---(1)} Subject to subsections 2 and 3 no action shall be brought against a person for the recovery of damages occasioned by a motor vehicle after the expiration of twelve months from the time when the damages were sustained.
(2) Where death is caused the action may be brought within the time limited by The Fatal Accidents Act. R.S.O. 1937, c. 288, s. 60 (1, 2).

(3) Notwithstanding subsections 1 and 2 when an action is brought within the time limited by this Act for the recovery of damages occasioned by a motor vehicle and a counterclaim is made or third party proceedings are instituted by a defendant in respect of damages occasioned in the same accident, the lapse of time herein limited shall be no bar to the counterclaim or third party proceedings. 1938, c. 17, s. 12.

62. Every person who contravenes any provision of this Act or of the regulations shall be guilty of an offence and the penalties imposed by or under the authority of this Act shall be recoverable under The Summary Convictions Act. R.S.O. 1937, c. 288, s. 61, amended.

63. No penalty or imprisonment shall be a bar to the recovery of damages by the injured person. R.S.O. 1937, c. 288, s. 62.

64. Every penalty when collected shall be paid to the treasurer of the local municipality in which the offence was committed, if the offence was committed on other than the King’s Highway or a county highway; and shall be applied to the general purposes thereof, and if the offence was committed on the King’s Highway, the penalty when collected shall be paid to the Department, and if on a county highway to the treasurer of the county. R.S.O. 1937, c. 288, s. 63.

65.—(1) A magistrate or justice of the peace who makes a conviction under this Act shall, if the offence was committed by an owner or driver of a motor vehicle, forthwith certify the same to the Minister, setting out the name, address and description of the person convicted, the number of the permit of the motor vehicle with which the offence was committed, the number of the section of the Act contravened and the time the offence was committed, and if the offence was committed by a person licensed under section 21 or 75, also the number of the licence, and if three such convictions for an offence against subsection 1 or 3 of section 5, subsection 1 of section 7 or section 29, 30 or 48 are made against the same person, the permit of the motor vehicle with which the offence, for which such third conviction was made, was committed, or the licence issued under section 21 or 75, as the case may be, or both, may in addition to the penalties provided in such section, be cancelled, and in the event of cancellation the
offender shall not be entitled to a permit or licence for a period of two years thereafter. R.S.O. 1937, c. 288, s. 64 (1).

(2) A copy of any writing, paper or document filed in the Evidence Department pursuant to this Act purporting to be certified by the Deputy Minister or the Registrar under the seal of the Department as a true copy shall be received in evidence in all courts without proof of the seal or signature and shall be prima facie evidence of the facts contained therein. R.S.O. 1937, c. 288, s. 64 (2); 1946, c. 39, s. 8.

66.—(1) If an owner of a motor vehicle is served with a summons to appear in a county other than that in which he resides for an offence against this Act, and his defence is that neither he nor his motor vehicle was at the place of the alleged offence at the time such offence occurred, and that the summons must have been issued against him through an error of the informant as to the number on the official number plate, then and in that case only he may appear before a justice of the peace in the county in which he resides and, in the same manner as if he were being tried for an offence against this Act, give evidence by himself and corroborated by the evidence of at least two other credible witnesses that neither he nor his motor vehicle was at the place of the alleged offence at the time such offence occurred, and that the summons must have been issued against him through an error of the informant as to the number on the official number plate. R.S.O. 1937, c. 288, s. 65 (1); 1938, c. 17, s. 13.

(2) The said justice, if satisfied of the truth of such evidence, shall forthwith make out a certificate in the form set out in the Schedule to this Act, and forward the same by registered letter post to the justice before whom the summons is returnable.

(3) The justice before whom the summons is returnable shall, upon receiving such certificate, thereupon dismiss the charge unless he has reason to believe that the testimony is untrue in whole or in part, in which case he may adjourn the case and again summon the defendant, who shall then be required to attend before him at the place and time mentioned in the summons. R.S.O. 1937, c. 288, s. 65 (2, 3).

67. Any person who violates any of the provisions of this Act or of any regulation where a penalty for the violation is not provided for herein, shall be liable for the first offence to a penalty of not more than $10; for the second offence to a penalty of not more than $20; and for the third offence to a penalty of not more than $30; and for any subsequent offence to a penalty of not more than $50. R.S.O. 1937, c. 288, s. 66.
68.—(1) Any person who operates a motor vehicle the permit for which is under suspension or has been cancelled and any chauffeur or operator whose licence is under suspension or has been cancelled who operates a motor vehicle shall be liable for a first offence to a penalty of not less than $25 and not more than $100, and shall also be liable to imprisonment for a term of not more than thirty days; and for any subsequent offence shall be liable to a penalty of not less than $100 and not more than $500 and shall also be liable to imprisonment for a term of not more than six months.

(2) Where any person is convicted of operating a motor vehicle the permit for which is under suspension or has been cancelled, the motor vehicle shall be forfeited to His Majesty in right of Ontario. 1947, c. 45, s. 12.

69. Where by or under the provisions of this Act, a permit or licence is suspended and the person to whom the suspension applies is not the holder of a permit or licence, as the case may be, such person shall be deemed for all the purposes of this Act to be a person whose permit or licence, as the case may be, has been suspended. 1950, c. 25, s. 10, part.

70. If a person to whom the provisions of section 54 or 59 apply enters an appeal against his conviction and there is filed,

(a) with the convicting magistrate sufficient security for the production of the motor vehicle if the appeal should fail; and

(b) proof of financial responsibility under section 81,

the provisions of section 54 or 59 shall not apply unless the conviction is sustained on appeal. 1950, c. 25, s. 10, part.

71. Where a penalty is provided in this Act for a first, second, third or subsequent offence, the words “first”, “second”, “third”, or “subsequent” shall relate only to offences committed in the same calendar year; but this shall not apply to offences under the sections referred to in subsection 1 of section 59. R.S.O. 1937, c. 288, s. 68; 1938, c. 17, s. 14 (1).

PART XI

TRACTION ENGINES ON HIGHWAYS

72.—(1) Traction engines, not exceeding 15 tons in weight, may be used upon a highway, subject to the provisions of this Part.

(2) The speed of a traction engine shall at no time in cities,
towns and villages exceed the rate of three miles per hour, or elsewhere the rate of six miles per hour.

(3) The width of the driving wheels of all such engines shall be at least twelve inches and the wheels of the trucks or wagons drawn thereby shall be at least four inches in width for the first two tons capacity, load and weight of truck included, and at least an additional one-half inch for each additional ton.

(4) No traction engine manufactured after the 1st day of January, 1924 and having a weight in excess of three tons shall be operated upon a highway unless the cleats, if any, on the rear wheels have a smooth surface and are not less than one and one-half inches in width of face, and if the cleats extend the full width of the rim of the wheel, they shall be placed at intervals of not more than six inches and if they do not extend the full width of the rim but are staggered diagonally, they shall be placed at intervals of not more than four and one-half inches, and in no case shall they be placed at an angle of more than thirty degrees with the horizontal axis of the wheel.

(5) No traction engine manufactured after the 1st day of January, 1924 shall be operated upon a highway unless the cleats or flanges, if any, on the wheels are such that the weight resting upon the surface of the highway does not exceed 200 pounds upon any square inch of cleat or flange, assuming the entire width of the face of the cleat or flange to bear on the highway. R.S.O. 1937, c. 288, s. 69.

73.—(1) Before it shall be lawful to run such engine over a highway, the person proposing to run the engine shall, at his own expense, strengthen all bridges and culverts to be crossed by the engine, and keep the same in repair so long as the highway is so used.

(2) The cost of such repairs shall be borne by the owners of different engines in proportion to the number of engines run over such bridges or culverts.

(3) Subsections 1 and 2 shall not apply to engines of less than ten tons in weight, used for threshing purposes or for machinery for the construction of roadways.

(4) Before crossing any such bridge or culvert the person proposing to run any traction engine shall lay down on the bridge or culvert planks of sufficient width and thickness to fully protect the flooring or surface of the bridge or culvert from any injury that might otherwise result thereto from the contact of the wheels of the engine, and in default thereof the person in charge and his employer, if any, shall be liable to
the corporation of the municipality for all damage resulting to the flooring or surface of the bridge or culvert. R.S.O. 1937, c. 288, s. 70.

74. Any person who violates any of the provisions of this Part shall be liable to a penalty of not less than $5 and not more than $25. R.S.O. 1937, c. 288, s. 71.

PART XII

OPERATOR'S LICENCE

75.—(1) No person other than one holding a chauffeur's licence shall operate or drive a motor vehicle on a highway unless he holds an operator's licence issued to him under this section, and no person who is the owner or in possession or control of a motor vehicle shall permit any person who is not the holder of a chauffeur's or operator's licence to operate or drive the motor vehicle. R.S.O. 1937, c. 288, s. 72 (1); 1938, c. 17, s. 15.

(2) Any person who violates any of the provisions of subsection 1 shall be liable for the first offence to a penalty of not less than $10 and not more than $50; for the second offence to a penalty of not less than $20 and not more than $100; and for any subsequent offence shall be liable to a penalty of not less than $50 and not more than $200 and shall also be liable to imprisonment for a term of not more than thirty days.

(3) Operators' licences may be issued by the Minister to such persons for such times and upon such terms and conditions and subject to such regulations and restrictions as the Lieutenant-Governor in Council may prescribe. R.S.O. 1937, c. 288, s. 72 (2, 3).

76.—(1) Every operator of a motor vehicle shall carry his licence with him at all times while he is in charge of a motor vehicle and shall produce it when demanded by a constable or by an officer appointed for carrying out the provisions of this Act.

(2) Any person who violates any of the provisions of subsection 1 shall be liable for the first offence to a penalty of not more than $5; for the second offence to a penalty of not less than $5 and not more than $10; and for any subsequent offence to a penalty of not less than $10 and not more than $25, and in addition his licence or permit may be suspended for a period of not less than thirty days.
(3) A person convicted of an offence under this Act, if he holds an operator’s licence, shall forthwith produce his licence for the purpose of endorsement.

(4) Any person who violates any of the provisions of subsection 3 shall be liable for the first offence to a penalty of not less than $5 and not more than $10; for the second offence to a penalty of not less than $10 and not more than $25; and for any subsequent offence to a penalty of not less than $25 and not more than $50, and in addition his licence or permit may be suspended for a period of not more than sixty days. R.S.O. 1937, c. 288, s. 73.

77. A magistrate or justice of the peace by whom a person is convicted of a violation of this Act, if the person convicted is required to hold an operator’s licence and does not hold such licence, may declare him disqualified to hold such a licence for such time as the magistrate or justice of the peace thinks fit and shall so report with the certificate of conviction to the Minister. R.S.O. 1937, c. 288, s. 74.

78. The provisions of this Part and of subsection 1 of section 21 and any regulations made thereunder shall not apply to residents of the other provinces of Canada who do not reside or carry on business in Ontario for more than six consecutive months in any one year, nor to residents of other countries or states who do not reside in Ontario for more than three months in any one year, provided such persons have complied with the provisions of the law of the province, country or state in which they reside as to the licensing of motor vehicle operators or chauffeurs. 1938, c. 17, s. 16; 1941, c. 22, s. 15.

PART XIII
FINANCIAL RESPONSIBILITY OF OWNERS AND DRIVERS

79. In this Part,

(a) "authorized insurer" means an insurer duly licensed under The Insurance Act to carry on in Ontario the business of automobile insurance;

(b) "driver’s licence" means an operator’s licence or a chauffeur’s licence issued pursuant to this Act;

(c) "motor vehicle", in addition to the meaning given in section 1, includes “trailer”, as defined in section 1;
(d) "proof of financial responsibility" means a certificate of insurance, a bond, or a deposit of money or securities given or made pursuant to section 87;

(e) "Treasurer" means Treasurer of Ontario;

(f) "state" means a state of the United States of America or the District of Columbia;

(g) "Superintendent of Insurance" means Superintendent of Insurance appointed under The Insurance Act. R.S.O. 1937, c. 288, s. 76.

80. Nothing in this Part shall prevent the plaintiff in an action from proceeding upon any other remedy or security available at law. R.S.O. 1937, c. 288, s. 77 (1).

81.—(1) The driver’s licence and owner’s permit or permits of every person who has been convicted of, or committed for trial, or has forfeited his bail after having been arrested for any one of the following offences or violations of law:

(a) any offence for which a penalty is provided in this Act, if injury to or the death of any person or damage to property occurs in connection therewith;

(b) any offence under this Act if the penalty imposed includes suspension or revocation of the driver’s licence or owner’s permit; or

(c) any offence under section 284, 285 or 377 of the Criminal Code (Canada) involving the use of a motor vehicle,

shall be forthwith suspended by the Registrar, and shall remain so suspended, and shall not at any time thereafter be renewed, nor shall any new driver’s licence or owner’s permit be thereafter issued to such person, until he has given to the Registrar proof of his financial responsibility. 1947, c. 45, s. 13 (1).

(2) Where a person pleads guilty to any of the offences mentioned in subsection 1, subsection 1 shall not apply unless such person has been given notice,

(a) by a printed or written statement upon or accompanying the summons; or

(b) by the magistrate or judge verbally before accepting the plea,
in the following form or to the like effect:

"The Highway Traffic Act provides that upon conviction of the offence with which you are charged, in the circumstances indicated therein, your driver's licence and owner's permit shall be forthwith suspended by the Minister of Highways." 1946, c. 39, s. 9.

(3) Upon receipt by the Registrar of official notice that the holder of a driver's licence or owner's permit under this Act has been convicted of, or committed for trial, or has forfeited his bail, in any other province or state in respect of an offence, which, if committed in Ontario would have been, in substance and effect, an offence under, or a violation of the provisions of law mentioned in subsection 1, the Registrar shall suspend every driver's licence and owner's permit or permits of such person issued pursuant to this Act, until that person has given proof of financial responsibility in the same manner as if the conviction or committal had been made or the bail forfeited in Ontario. R.S.O. 1937, c. 288, s. 78 (2); 1947, c. 45, s. 13 (2).

(4) If any person to whom subsection 1 applies is not a resident of Ontario, the privilege of operating a motor vehicle within Ontario, and the privilege of operation within Ontario of a motor vehicle owned by him, is suspended and withdrawn forthwith by virtue of such conviction, committal for trial or forfeiture of bail, until he has given proof of financial responsibility; provided that the magistrate or justice of the peace before whom such person was charged may, in his discretion, by a written permit signed by him, authorize the operation of such motor vehicle to the boundaries of the province by such route and by such person as the permit may describe. R.S.O. 1937, c. 288, s. 78 (3).

82.—(1) Subject to section 90, the driver's licence and owner's permit or permits of every person who fails to satisfy a judgment rendered against him by any court in Ontario or in any other province of Canada, which has become final by affirmation on appeal or by expiry without appeal of the time allowed for appeal, for damages on account of injury to or death of any person, or on account of damage to property, occasioned by a motor vehicle, within fifteen days from the date upon which such judgment became final shall be forthwith suspended by the Registrar, upon receiving a certificate of such final judgment from the court in which the same is rendered, and shall remain so suspended and shall not at any time thereafter be renewed, nor shall any new driver's licence or owner's permit be thereafter issued to such person, until such judgment is satisfied or discharged, otherwise than by a discharge in bankruptcy, to the extent for which financial
responsibility is required to be given under section 86, and until such person gives proof of his financial responsibility. R.S.O. 1937, c. 288, s. 79 (1); 1947, c. 45, s. 14.

(2) The Lieutenant-Governor in Council, upon the report of the Minister that a state has enacted legislation similar in effect to subsection 1 and that such legislation extends and applies to judgments rendered and become final against residents of that state by any court of competent jurisdiction in Ontario, may declare that the provisions of subsection 1 shall extend and apply to judgments rendered and become final against residents of Ontario by any court of competent jurisdiction in such state. R.S.O. 1937, c. 288, s. 79 (2); 1946, c. 39, s. 10.

Note.—By regulations made under this Act, the provisions of subsection 1 of section 82 extend and apply to judgments rendered and become final against residents of Ontario by any court of competent jurisdiction in the following states:

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<th>Alabama;</th>
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<td>Wyoming;</td>
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<tr>
<td>Kentucky;</td>
<td>North Dakota;</td>
<td>District of Columbia;</td>
</tr>
<tr>
<td>Maryland;</td>
<td>Oklahoma;</td>
<td>Oregon;</td>
</tr>
</tbody>
</table>

(3) If, after such proof of financial responsibility has been given, any other judgment against such person, for any accident which occurred before such proof was furnished, and after the 1st day of September, 1930, is reported to the Registrar, the driver’s licence and owner’s permit or permits of such person shall again be, and remain, suspended until such judgment is satisfied and discharged, otherwise than by a discharge in bankruptcy, to the extent set out in subsection 1.

(4) If any person to whom subsection 1 applies is not a resident of Ontario, the privilege of operating a motor vehicle in Ontario, and the privilege of operation in Ontario of a motor vehicle registered in his name, is suspended and withdrawn forthwith by virtue of such judgment until he has complied with the provisions of subsection 1. R.S.O. 1937, c. 288, s. 79 (3, 4).

83. The Minister may require proof of financial responsibility before issue of an owner’s permit or driver’s licence, or the renewal thereof, to any person under the age of 21 years or over the age of 65 years. R.S.O. 1937, c. 288, s. 80.
84. The Minister may require proof of financial responsibility from any person where,

(a) in the opinion of the Minister such person is responsible in whole or in part for a motor vehicle accident; or

(b) having regard to the records of the Department relating to such person, the Minister is of opinion that such requirement is desirable,

and may suspend all owners' permits and drivers' licences in such cases until proof of financial responsibility has been given. 1947, c. 45, s. 15.

85.—(1) An owner's permit and driver's licence, or, in the case of a person not a resident of Ontario, the privilege of operating a motor vehicle in Ontario and the privilege of operation within Ontario of a motor vehicle owned by such non-resident, shall not be suspended or withdrawn under the provisions of this Part if such owner, driver, or non-resident has voluntarily filed or deposited with the Registrar, prior to the offence or accident out of which any conviction arises, proof of financial responsibility which, at the date of such conviction, is valid and sufficient for the requirements of this Part.

(2) The Registrar shall receive and record proof of financial responsibility voluntarily offered, and if any conviction or judgment against such person is thereafter notified to the Registrar which in the absence of such proof of financial responsibility would have caused the suspension of the driver's licence or owner's permit under this Part, the Registrar shall forthwith notify the insurer or surety of such person of the conviction or judgment so reported. R.S.O. 1937, c. 288, s. 82.

86. Subject to subsection 3 of section 87, proof of financial responsibility shall be given in the following amounts by every driver, and, in the case of an owner, in the said amounts for each motor vehicle registered in his name, by every owner, to whom this Part applies,

(a) at least $5,000 (exclusive of interest and costs) against loss or damage resulting from bodily injury to or the death of any one person and, subject to such limit for any one person so injured or killed, at least $10,000 (exclusive of interest and costs) against loss or damage resulting from bodily injury to or death of two or more persons in any one accident; and
87.—(1) Subject to subsection 3, proof of financial responsibility may be given in any one of the following forms:

(a) the written certificate or certificates, filed with the Registrar, of any authorized insurer that it has issued, to or for the benefit of the person named therein, a motor vehicle liability policy or policies in form hereinafter prescribed, which at the date of the certificate or certificates is in full force and effect, and which designates therein, by explicit description or by other adequate reference, all motor vehicles to which the policy applies, and any such certificate or certificates shall be in the form approved by the Registrar and shall cover all motor vehicles registered in the name of the person furnishing the proof, and the certificate or certificates shall certify that the motor vehicle liability policy or policies therein mentioned shall not be cancelled or expire except upon ten days prior written notice thereof to the Registrar, and until such notice is duly given the certificate or certificates shall be valid, and sufficient to cover the term of any renewal of such motor vehicle liability policy by the insurer, or any renewal or extension of the term of such driver's licence or owner's permit by the Minister;

(b) the bond of a guarantee insurance or surety company, duly licensed in Ontario pursuant to The Insurance Act, or a bond with personal sureties, approved as adequate security hereunder upon application to a judge of the county or district court of the county or district in which such sureties reside, and the bond shall be in form approved by the Registrar and shall be conditioned upon the payment of the amounts specified in this Part, and shall not be cancelled or expire except after ten days written notice to the Registrar, but not after the happening of the injury or damage secured by the bond as to such accident, injury, or damage, and the bond shall be filed with the Registrar;

(c) the certificate of the Treasurer that the person named therein has deposited with him a sum of money or securities for money approved by him in the amount or value of $11,000 for each motor vehicle registered in the name of such person, and the Treasurer shall
accept any such deposits and issue a certificate therefor if such deposit is accompanied by evidence that there are no unsatisfied executions against the depositor registered in the office of the sheriff for the county or district in which the depositor resides.

(2) The Minister may, in his discretion, at any time require additional proof of financial responsibility to that filed or deposited by any driver or owner pursuant to this Part, and may suspend the driver's licence and owner's permit or permits pending such additional proof.

(3) In the case of an owner of ten or more motor vehicles to whom this Part applies, proof of financial responsibility in a form and in an amount, not less than $50,000, satisfactory to the Minister, may be accepted as sufficient for the purposes of this Part. R.S.O. 1937, c. 288, s. 84 (1-3).

(4) An owner of a motor vehicle to whom this Part applies who holds a licence in respect of the vehicle under The Public Vehicles Act or The Public Commercial Vehicles Act and who has on file with the Minister a certificate of insurance in good standing shall not be required to give proof of financial responsibility under this Part in respect of the vehicle. 1948, c. 39, s. 3.

(5) A person who is not a resident of Ontario may, for the purposes of this Part, give proof of financial responsibility as provided in subsection 1, or by filing a certificate of insurance in form approved by the Registrar issued by any insurer authorized to transact insurance in the state or province in which such person resides, provided such insurer has filed with the Registrar, in the form prescribed by him,

(a) a power of attorney authorizing the Registrar to accept service of notice or process for itself and for its insured in any action or proceeding arising out of a motor vehicle accident in Ontario;

(b) an undertaking to appear in any such action or proceeding of which it has knowledge; and

(c) an undertaking not to set up as a defence to any claim, action or proceeding under a motor vehicle liability policy issued by it, a defence which might not be set up if the policy had been issued in Ontario in accordance with the law of Ontario relating to motor vehicle liability policies, and to satisfy up to the limits of liability stated in the policy any judgment rendered and become final against it or its insured by a court in Ontario in any such action or proceeding.
(6) If an insurer which has filed the documents described in subsection 5 defaults thereunder, certificates of any such insurer shall not thereafter be accepted as proof of financial responsibility under this Part so long as the default continues, and the Registrar shall forthwith notify the superintendent of insurance and the registrar of motor vehicles or other officer or officers, if any, in charge of registration of motor vehicles and the licensing of operators in all provinces and states where the certificates of such insurer are accepted as proof of financial responsibility. R.S.O. 1937, c. 288, s. 84 (4, 5).

88.—(1) The bond filed with the Registrar and the money or securities deposited with the Treasurer shall be held by him in accordance with the provisions of this Part as security for any judgment against the owner or driver filing the bond or making the deposit, in any action arising out of damage caused after the filing or deposit by the operation of a motor vehicle.

(2) Money and securities so deposited with the Treasurer shall not be subject to any claim or demand, except an execution on a judgment for damages for personal injuries, death, or injury to property, occurring after such deposit as a result of the operation of a motor vehicle.

(3) If a judgment to which this Part applies is rendered against the principal named in the bond filed with the Registrar, and the judgment is not satisfied within 15 days after it has been rendered, the judgment creditor may, for his own use and benefit, and at his sole expense, bring an action on the bond in the name of the Treasurer against the persons executing the bond. R.S.O. 1937, c. 288, s. 85.

89. If the Registrar finds that any driver to whom this Part applies was, at the time of the offence for which he was convicted, employed by the owner of the motor vehicle involved therein as chauffeur or motor vehicle operator, whether or not so designated, or was a member of the family or household of the owner, and that there is no motor vehicle registered in Ontario in the name of such driver as an owner, then, if the owner of the motor vehicle submits to the Registrar (who is hereby authorized to accept it) proof of his financial responsibility, as provided by this Part, such chauffeur, operator or other person shall be relieved of the requirement of giving proof of financial responsibility on his own behalf. R.S.O. 1937, c. 288, s. 86.

90. A judgment debtor to whom this Part applies may, on due notice to the judgment creditor, apply to the court in which the trial judgment was obtained, for the privilege of paying
the judgment in instalments, and the court may, in its discretion, so order, fixing the amounts and times of payment of the instalments, and while the judgment debtor is not in default in payment of such instalments he shall be deemed not in default for the purposes of this Part in payment of the judgment, and upon proof of financial responsibility for future accidents pursuant to this Part, the Minister may restore the driver’s licence and owner’s permits of the judgment debtor, but such driver’s licence and owner’s permits shall again be suspended and remain suspended, as provided in section 82, if the Registrar is satisfied of default made by the judgment debtor in compliance with the terms of the court order. R.S.O. 1937, c. 288, s. 87.

91.—(1) It shall be the duty of the clerk or registrar of the court, or of the court where there is no clerk or registrar, to forward to the Registrar a certified copy or certificate in the form prescribed by the Registrar of,

(a) every judgment which has become final by affirmation upon appeal or by expiry of the time allowed for taking an appeal and is unsatisfied; and

(b) every order committing for trial and every conviction, to which this Part applies, 15 days after the judgment becomes final or forthwith upon the making of the order or conviction, as the case may be and every such certified copy or certificate shall be prima facie evidence of the judgment, order or conviction.

(2) The clerk or official required to send a certified copy or fee. certificate of a judgment shall be entitled to a fee of $1 for each certified copy or certificate which fee shall be paid by the person for whose benefit the judgment is issued. 1943, c. 10, s. 10.

(3) If the defendant is not resident in Ontario it shall be the duty of the Registrar to transmit to the registrar of motor vehicles or other officer or officers, if any, in charge of the registration of motor vehicles and the licensing of operators in the province or state in which the defendant resides, a certificate of the order, judgment or conviction. R.S.O. 1937, c. 288, s. 88 (2).

92.—(1) The Registrar shall, upon request, furnish to any insurer, surety or other person a certified abstract of the operating record of any person subject to the provisions of this Part, which abstract shall fully designate the motor vehicles, if any, registered in the name of such person, and the record of any conviction of such person for a violation of any
provision of any statute relating to the operation of motor
vehicles, or any judgment against such person for any injury
or damage caused by such person, according to the records of
the Registrar, and if there is no record of any such conviction
or judgment in the office of the Registrar, the Registrar shall
so certify, and the Registrar shall collect as a fee for each such
certificate the sum of $1.

(2) The Registrar, upon written request, shall furnish any
person who may have been injured in person or property by
any motor vehicle with all information of record in his office
pertaining to the proof of financial responsibility of any owner
or driver of any motor vehicle furnished pursuant to this Part.
R.S.O. 1937, c. 288, s. 89.

93.—(1) Any owner or driver whose permit or licence has
been suspended as herein provided, or whose policy of insur-
ance or surety bond has been cancelled or terminated as
herein provided, or who neglects to furnish additional proof of
financial responsibility upon the request of the Registrar as
herein provided, shall immediately return to the Registrar
his driver's licence, his motor vehicle permit or permits, and
all licence plates issued thereunder.

(2) If any such person fails to return his licence, permits
and plates as provided herein, the Registrar may direct any
police officer to secure possession thereof and return them to
the office of the Registrar.

(3) Any person failing to return his licence, permits and
plates when so required, or refusing to deliver the same when
requested to do so by the police officer, shall be guilty of an
offence and shall be liable to a penalty of not less than $10 and
not more than $100 for each offence. R.S.O. 1937, c. 288,
s. 90.

94. If an owner's permit has been suspended under this
Part, the permit shall not be transferred nor the motor
vehicle in respect of which the permit was issued registered
in any other name until the Minister is satisfied that the
transfer or registration is proposed in good faith and not for
the purpose, or with the effect, of defeating the purposes of
this Part. R.S.O. 1937, c. 288, s. 91.

95.—(1) The Minister may waive the requirement of filing
proof of financial responsibility or may cancel any bond or
return any certificate of insurance, or the Treasurer may,
at the request of the Minister, return any money or securities
deposited pursuant to this Part as proof of financial responsi-
bility at any time after two years from the date upon which such proof was required to be given, provided that the owner or driver on whose behalf such proof was given has not, during the said period, or any two-year period immediately preceding the request, been convicted of any offence mentioned in section 81, and provided that no action for damages is pending and no judgment is outstanding and unsatisfied in respect of personal injury or damage to property resulting from the operation of a motor vehicle, and a statutory declaration of the applicant under this section shall be sufficient evidence of the facts in the absence of evidence to the contrary in the records of the Registrar. R.S.O. 1937, c. 288, s. 92 (1); 1941, c. 22, s. 17; 1948, c. 39, s. 4.

(2) The Minister may direct the return of any bond, money or securities to the person who furnished the same, upon the acceptance and substitution of other adequate proof of financial responsibility pursuant to this Part.

(3) The Minister may direct the return of any bond, money or securities deposited under this Part to the person who furnished the same at any time after three years from the date of the expiration or surrender of the last owner's permit or driver's licence issued to such person, if no written notice has been received by the Registrar within such period of any action brought against such person in respect of the ownership, maintenance or operation of a motor vehicle, and upon the filing by such person with the Registrar of a statutory declaration that such person no longer resides in Ontario, or that such person had made a bona fide sale of any and all motor vehicles owned by him, naming the purchaser thereof, and that he does not intend to own or operate any motor vehicle in Ontario within a period of one or more years. R.S.O. 1937, c. 288, s. 92 (2, 3).

96.—(1) A motor vehicle liability policy referred to in this Part shall be in the form prescribed by The Insurance Act and approved thereunder by the Superintendent of Insurance for the purposes of this Part. R.S.O. 1937, c. 288, s. 93 (1); 1941, c. 22, s. 18.

(2) An insurer which has issued a motor vehicle liability policy shall, as and when the insured may request, deliver to him for filing or file direct with the Registrar a certificate for the purposes of this Part.

(3) A certificate filed with the Registrar for the purposes of this Part shall be deemed to be a conclusive admission by the insurer that a policy has been issued in the form prescribed by subsection 1 and in accordance with the terms of the certificate.
(4) Every insurer shall notify the Registrar of the cancellation or expiry of any motor vehicle liability policy for which a certificate has been issued to the Registrar under this Part, at least 10 days before the effective date of the cancellation or expiry, and, in the absence of such notice of cancellation or expiry, the policy shall remain in full force and effect.

(5) Where a person, who is not a resident of Ontario, is a party to an action for damages arising out of a motor vehicle accident in Ontario for which indemnity is provided by a motor vehicle liability policy, the insurer named in the policy shall, as soon as it has knowledge of the action from any source, and whether or not liability under the policy is admitted, notify the Registrar in writing, specifying the date and place of the accident and the names and addresses of the parties to the action and of the insurer, which notification shall be open to inspection by parties to the action.

(6) Notwithstanding anything in this Part, the Registrar may decline to accept as proof of financial responsibility the certificates of any insurer which fails to comply with subsection 5. R.S.O. 1937, c. 288, s. 93 (2-6).

PART XIV

UNSATISFIED JUDGMENT FUND

97.—(1) Upon the issue or renewal of a chauffeur's licence or operator's licence, there shall be payable to the Minister by the person to whom the licence or renewal is issued, in addition to the fee prescribed for the licence or renewal, such further fee, referred to in this section as the Unsatisfied Judgment Fund fee, as the Lieutenant-Governor in Council may prescribe and the Unsatisfied Judgment Fund fees shall constitute a fund to be known as the Unsatisfied Judgment Fund.

(2) The Lieutenant-Governor in Council, having regard to the condition of the Fund and the amount paid out of the Fund during any period, may,

(a) prescribe such Unsatisfied Judgment Fund fee not exceeding $1 as he may deem adequate; or

(b) suspend payment of the Unsatisfied Judgment Fund fee for such period as he may prescribe. 1947, c. 45, s. 16 (1), part.
98.—(1) Subject to section 99, where a person recovers in any court in Ontario a judgment for damages on account of injury to or the death of any person or damage to property occasioned in Ontario by a motor vehicle owned or operated by the judgment debtor within Ontario, upon the determination of all proceedings including appeals and upon notice to the Minister, such judgment creditor may apply by way of originating notice to a judge of the Supreme Court for an order directing payment of the amount of the judgment or the unsatisfied portion thereof out of the Fund. 1947, c. 45, s. 16 (1), part; 1948, c. 39, s. 5 (1); 1950, c. 25, s. 11.

(2) Upon the hearing of the application the applicant shall show,

(a) that he has obtained a judgment as set out in subsection 1 stating the amount thereof and the amount owing thereon at the date of the application;

(b) that he has caused to be issued a writ of fieri facias or execution, and that,

(i) the sheriff or bailiff has made a return showing that no goods of the judgment debtor liable to be seized in satisfaction of the judgment debt could be found, or

(ii) the amount realized on the sale of goods seized, or otherwise realized, was insufficient to satisfy the judgment, stating the amount so realized and the balance remaining due on the judgment after application thereon of the amount realized;

(c) that he has caused the judgment debtor to be examined, pursuant to the law for that purpose provided, touching his estate and effects and his property and means, and in particular as to whether the judgment debtor is insured under a policy of insurance by the terms of which the insurer is liable to pay in whole or in part the amount of the judgment;

(d) that he has made exhaustive searches and inquiries to ascertain whether the judgment debtor is possessed of assets, real or personal, liable to be sold or applied in satisfaction of the judgment;

(e) that, by such searches, inquiries and examination,

(i) he has learned of no assets, real or personal, possessed by the judgment debtor and liable to be sold or applied in satisfaction of the judgment debt, or
(ii) he learned of certain assets, describing them, owned by the judgment debtor and liable to be seized or applied in satisfaction of the judgment, and has taken all necessary actions and proceedings for the realization thereof, and that the amount thereby realized was insufficient to satisfy the judgment, stating the amount so realized and the balance remaining due on the judgment after application of the amount realized; and

(f) that the application is not made by or on behalf of an insurer in respect of any amount paid or payable by the insurer by reason of the existence of a policy of automobile insurance within the meaning of The Insurance Act and that no part of the amount sought to be paid out of the Fund is sought in lieu of making a claim or receiving a payment which is payable by reason of the existence of a policy of automobile insurance within the meaning of The Insurance Act and that no part of the amount so sought will be paid to an insurer to reimburse or otherwise indemnify the insurer in respect of any amount paid or payable by the insurer by reason of the existence of a policy of automobile insurance within the meaning of The Insurance Act;

provided that where the applicant satisfies the judge that it is not possible to comply with one or more of the requirements enumerated in clauses b, c, d and e and also satisfies the judge that he has taken all reasonable steps to recover the amount of the judgment or the unsatisfied part thereof and has been unable to make recovery, the judge may dispense with the necessity for complying with such requirements. 1947, c. 45, s. 16 (1), part; 1948, c. 39, s. 5 (2).

(3) The Minister may appear and be heard on the application and may show cause why the order should not be made. 1947, c. 45, s. 16 (1), part.

(4) If the judge is satisfied,

(a) of the truth of the matters shown by the applicant as required by subsection 2;

(b) that the applicant has taken all reasonable steps to learn what means of satisfying the judgment are possessed by the judgment debtor;

(c) that there is good reason for believing that the judgment debtor,

(i) has no assets liable to be sold or applied in satis-
faction of the judgment or of the balance owing thereon, and

(ii) is not insured under a policy of insurance by the terms of which the insurer is liable to pay, in whole or in part, the amount of the judgment; and

(d) that the applicant has fully pursued and exhausted all remedies available to him for recovering compensation for the damages that are the subject of the action in respect of which the judgment is given by,

(i) commencing action against all persons against whom the applicant might reasonably be considered as having a cause of action in respect of such damages,

(ii) prosecuting every such action in good faith to judgment or dismissal,

(iii) taking all reasonable steps available to him to recover upon every judgment so obtained, and

(iv) taking all other reasonable steps available to him to recover compensation for such damages,

the judge may make an order directed to the Minister requiring him, subject to subsection 5, to pay from the Fund the amount of the judgment or the balance owing thereon. 1947, c. 45, s. 16 (1), *part*; 1948, c. 39, s. 5 (3).

(5) The Minister shall not pay out of the Fund under an order,

(a) more than $5,000, exclusive of costs, on account of injury to or the death of one person, and subject to such limit for any one person so injured or killed, not more than $10,000, exclusive of costs, on account of injury to or the death of two or more persons in any one accident; and

(b) not more than $1,000, exclusive of costs, for damage to property resulting from any one accident;

provided that where any amount is recovered from any other source in partial discharge of the judgment debt, the maximum amount prescribed in this section shall be reduced by the amount so paid and any amount paid out of the Fund in excess of the amount authorized by this section may be recovered by action brought by the Minister. 1947, c. 45, s. 16 (1), *part*; 1948, c. 39, s. 5 (4).

(6) The Minister shall not pay out of the Fund, costs, including costs of the application made under this section, of
more than actual disbursements and fees as taxed on a party and party basis. 1947, c. 45, s. 16 (1), part.

(7) Where, by reason of an action having been maintained in part by an insurer, an order made under this section directs payment out of the Fund of only part of the amount of the judgment obtained in the action, the Minister shall not pay out of the Fund more than that part of the party and party costs of the action which bears the same proportion to the whole of such costs as the part of the judgment directed to be paid out of the Fund bears to the total amount of the judgment. 1949, c. 40, s. 9.

99.—(1) Section 98 shall not apply in the case of a judgment that has been signed in an action in which,

(a) the defendant did not enter an appearance; or

(b) the defendant did not file a statement of defence; or

(c) the defendant did not appear in person or by counsel at the trial; or

(d) judgment was signed upon the consent or with the agreement of the defendant,

unless the Minister has been given notice of such failure, consent or agreement and has been afforded an opportunity to take such action as he may deem advisable under subsection 2.

(2) Where the Minister receives notice under subsection 1, he may, if he deems it advisable, enter an appearance, file a defence, appear by counsel at the trial or take such other action as he may deem appropriate on behalf and in the name of the defendant, and may thereupon, on behalf and in the name of the defendant, conduct his defence, and all acts done in accordance therewith shall be deemed to be the acts of such defendant. 1948, c. 39, s. 6.

(3) Where pleadings have been noted closed, the Minister may, upon giving notice to the registrar, local registrar or clerk of the court that he intends to defend the action on behalf of and in the name of the defendant, re-open the pleadings upon praecipe. 1949, c. 40, s. 10.

100.—(1) The Minister shall not pay from the Fund any sum in compliance with an order made under section 98 until the judgment creditor assigns the judgment to him. 1947, c. 45, s. 16 (1), part.
(2) Upon lodging a copy of the assignment of judgment, Lodging certified by the Registrar of Motor Vehicles to be a true copy, with the registrar, local registrar or clerk, as the case may be, of the court in which the judgment was obtained, the Minister shall, to the extent of the amount of the assignment, be deemed to be the judgment creditor.

(3) Where execution is issued in the name of the judgment creditor and a copy of the assignment of judgment certified as prescribed in subsection 2 is lodged with the sheriff having the writ of execution, the provisions of subsection 2 shall apply mutatis mutandis. 1949, c. 40, s. 11.

101. Where the chauffeur's licence or operator's licence of any person, or the owner's permit of a motor vehicle registered in his name, has been suspended or cancelled under this Act, and the Minister has paid out of the Fund any amount in or towards satisfaction of a judgment or costs, or both, obtained against that person, the cancellation or suspension shall not be removed, nor the licence or permit restored, nor shall any new licence or permit be issued to such person until he has,

(a) repaid in full to the Fund the amount paid out together with interest thereon at four per cent per annum from the date of such payment; and

(b) filed proof of his financial responsibility as required by Part XIII. 1947, c. 45, s. 16 (1), part.

102.—(1) Where the death of or personal injury to any person is occasioned in Ontario by a motor vehicle but the identity of the motor vehicle and of the driver and owner thereof cannot be established, any person who would have a cause of action against the owner or driver in respect of such death or personal injury may, upon notice to the Registrar of Motor Vehicles, apply by way of originating notice,

(a) to a judge or local judge of the Supreme Court for an order permitting him to bring an action against the Registrar in the Supreme Court; or

(b) to a judge of a county or district court for an order permitting him to bring an action against the Registrar in such court or in a division court of the same county or district. 1947, c. 45, s. 16 (1), part; 1949, c. 40, s. 12 (1).

(2) Where the judge is satisfied,

(a) that the applicant would have a cause of action against the owner or driver of the motor vehicle in
respect of the death or personal injury occasioned by
the motor vehicle;

(b) that all reasonable efforts have been made to ascer-
tain the identity of the motor vehicle and of the owner
and driver thereof;

(c) that the identity of the motor vehicle and the owner
and driver thereof cannot be established; and

(d) that the application is not made by or on behalf of
an insurer in respect of any amount paid or payable
by reason of the existence of a policy of automobile
insurance within the meaning of The Insurance Act
and that no part of the amount sought to be recovered
in the intended action is sought in lieu of making a
claim or receiving a payment which is payable by
reason of the existence of a policy of automobile
insurance within the meaning of The Insurance Act
and that no part of the amount so sought will be
paid to an insurer to reimburse or otherwise indem-
nify the insurer in respect of any amount paid or
payable by it by reason of the existence of a policy
of automobile insurance within the meaning of The
Insurance Act,

he may make an order permitting the applicant to bring an
action against the Registrar. 1947, c. 45, s. 16 (1), part;
1948, c. 39, s. 7 (1); 1949, c. 40, s. 12 (2).

(3) Where the death or personal injury is occasioned at a
time when the motor vehicle is without the owner's consent in
the possession of some person other than the owner or his
chauffeur, the application shall be disposed of in the same
manner as though the identity of the owner had not been
established. 1948, c. 39, s. 7 (2); 1949, c. 40, s. 12 (3).

Exception to
section 61.

103.—(1) Where an action in respect of the death of or
personal injury to any person occasioned in Ontario by a motor
vehicle has been dismissed and the judge in dismissing such
action has stated in writing that such death or personal injury
was occasioned by a motor vehicle,

(a) the identity of which and of the owner and driver of
which has not been established; or

(b) at a time when such motor vehicle was without the
consent of the owner in the possession of some person
other than the owner or his chauffeur and the identity
of the driver has not been established,
the provisions of section 102 shall be available for a period of three months from the date of such dismissal, notwithstanding the provisions of section 61.

(2) Where, pursuant to subsection 1, an application is made under section 102, the applicant shall not, by reason of subsection 1, be relieved of establishing proof of any of the matters set out in subsection 2 of section 102. 1950, c. 25, s. 12.

104.—(1) In an action brought under section 102 the Registrar shall for all purposes of the action be deemed to be the defendant. 1947, c. 45, s. 16 (1), part.

(2) The Registrar may deny generally the allegations contained in the statement of claim and shall not be required to set forth the facts upon which he relies. 1949, c. 40, s. 13

105.—(1) Where an action has been commenced in respect of the death of or injury to any person occasioned in Ontario by a motor vehicle, an application may be made by the plaintiff to add the Registrar as a defendant and the provisions of sections 102 and 104 shall apply mutatis mutandis.

(2) This section shall be deemed not to derogate from the right of any party to an action to add or join any person as a party to the action in accordance with the practice of the court in which the action is pending. 1948, c. 39, s. 8.

106. A judgment against the Registrar shall not include any amount for compensation or indemnity for damages in respect of which the plaintiff has received or is entitled to receive compensation or indemnity from any person other than the driver or owner of the motor vehicle which occasioned the personal injury or death. 1949, c. 40, s. 14.

107.—(1) Where judgment is obtained against the Registrar in an action brought under section 102 upon the determination of all proceedings including appeals the Minister may, subject to subsection 2, pay out of the Fund to the plaintiff in the action the amount thereof.

(2) The Minister shall not pay out of the Fund under any judgment, more than $5,000, exclusive of costs, on account of injury to or the death of one person, and subject to such limit for any one person so injured or killed, not more than $10,000, exclusive of costs, on account of injury to or the death of two or more persons in any one accident.
(3) The Minister shall not pay out of the Fund, costs, including costs of the application made under section 102, of more than actual disbursements and fees as taxed on a party and party basis. 1947, c. 45, s. 16 (1), part.

108.—(1) Where judgment has been obtained against the Registrar in an action brought under section 102, the Registrar may at any time thereafter, by originating notice, apply,

(a) where judgment has been obtained in the Supreme Court, to a judge or local judge thereof;

(b) where judgment has been obtained in a county or district court, to a judge thereof; and

(c) where judgment has been obtained in a division court of a county or district, to a judge of the county or district court of the county or district,

for an order declaring that any person was, at the time of the accident, the owner or driver of the motor vehicle which occasioned the death or injury in respect of which the judgment was obtained.

(2) Upon the making of an order declaring that any person was the owner or driver of a motor vehicle,

(a) such person shall for the purposes of this Act be deemed to be the defendant in the action in which judgment was given against the Registrar, and the judgment against the Registrar shall be deemed to be a judgment against such person; and

(b) the Minister shall be deemed to have a judgment against such person for the amount of all moneys paid out of the Fund in respect of the judgment and shall accordingly have all the rights of a judgment creditor including the right to recover any moneys which would have been payable in respect of the death or injury under any policy of insurance which was in force at the time of the accident. 1947, c. 45, s. 16 (1), part.

(3) Where the death or injury was occasioned at a time when the motor vehicle was without the owner's consent in the possession of some person other than the owner or his chauffeur, the application shall be disposed of in the same manner as though the identity of the owner had not been established. 1948, c. 39, s. 9.
109. The practice and procedure of the Supreme Court or the court in which the application or action is brought, including the right of appeal and the practice and procedure relating to appeals, shall apply to an application or action brought under this Part. 1947, c. 45, s. 16 (1), part.

PART XV

ACCIDENT REPORTING, STATISTICS AND RATING

110.—(1) Every person in charge of a motor vehicle who is directly or indirectly involved in an accident shall, if the accident results in personal injuries, or in damage to property apparently exceeding $50, report the accident forthwith to the nearest provincial or municipal police officer, and furnish him with such information or written statement concerning the accident as may be required by the officer or by the Registrar.

(2) Where such person is physically incapable of making a report and there is another occupant of the motor vehicle, such occupant shall make the report.

(3) A police officer receiving a report of an accident, as required by this section, shall secure from the person making the report, or by other inquiries where necessary, such particulars of the accident, the persons involved, the extent of the personal injuries or property damage, if any, and such other information as may be necessary to complete a written report concerning the accident to the Registrar.

(4) The Registrar may require any person involved in an accident, or having knowledge of an accident, the parties thereto, or any personal injuries or property damage resulting therefrom, to furnish, and any police officer to secure, such additional information and make such supplementary reports of the accident as he may deem necessary to complete his records, and to establish, as far as possible, the causes of the accident, the persons responsible, and the extent of the personal injuries and property damage, if any, resulting therefrom. R.S.O. 1937, c. 288, s. 94 (1-4).

(5) Any written reports or statements made or furnished under this section shall be without prejudice, shall be for the information of the Registrar, and shall not be open to public inspection, and the fact that such reports and statements have been so made or furnished shall be admissible in evidence solely to prove compliance with this section, and no such reports or statements, or any parts thereof or statement contained therein, shall be admissible in evidence for any other
purpose in any trial arising out of a motor vehicle accident. R.S.O. 1937, c. 288, s. 94 (5); 1938, c. 17, s. 20.

(6) Any person who fails to report or furnish any information or written statement required by this section shall be liable to a penalty of not less than $10 and not more than $50, and in addition the Minister may suspend the operator’s or chauffeur’s licence and owner’s permit or permits of any such persons. R.S.O. 1937, c. 288, s. 94 (6).

111.—(1) Every person who, as a result of an accident or otherwise, operates or drives any vehicle or leads, rides or drives any animal upon the unpaved portion of any highway and thereby damages any shrub, tree, pole, light, sign, sod or other property upon the highway shall forthwith report such damage to a police officer or constable or to the Registrar.

(2) Any person who violates the provisions of subsection 1 shall be liable for the first offence to a penalty of not more than $10; for a second offence to a penalty of not more than $20; for a third offence to a penalty of not more than $30; and for any subsequent offence to a penalty of not more than $50. 1941, c. 22, s. 19.

112.—(1) Every coroner who investigates, and every Crown attorney and police officer having knowledge of a fatal accident in which a motor vehicle is involved, shall secure such particulars of the accident, the persons involved, and other information as may be necessary to complete a written report to the Registrar on the forms prescribed for that purpose, and shall transmit the report forthwith to the Registrar.

(2) Every provincial or municipal official or employee, hospital, charitable institution, insurer, or other person or organization shall furnish to the Registrar such reports and other information relating to motor vehicle accident statistics and traffic control generally, as may be required by the regulations.

(3) The Lieutenant-Governor in Council, by regulation, may allow any person or organization making reports or furnishing information under this section, such compensation for so doing as may be deemed proper. R.S.O. 1937, c. 288, s. 95.

113. The Registrar shall;

(a) prepare and supply to police officers and other persons and organizations, blank forms approved by the Minister for accident and other reports which shall call for such particulars concerning accidents, the per-
son involved, and the extent of the personal injuries and property damage, if any, resulting therefrom, and such other information as may be required by the regulations;

(b) make such investigation of, and call for such written reports concerning, motor vehicle accidents, traffic conditions, and other matters, as he may deem necessary and proper, and for that purpose may require the assistance of any provincial or municipal police officer;

(c) keep the following records:

(i) a record of all motor vehicle accidents in Ontario, reported to him or concerning which he procures information,

(ii) a record of all convictions for offences under this Act or under the provisions of the *Criminal Code* R.S.C. 1927, c. 36, (Canada) relating to driving on highways, reported to him pursuant to section 65, and of such other convictions as he may deem proper,

(iii) a record of all drivers' licences and owners' permits issued, suspended, revoked, cancelled or revived under this Act,

(iv) a record of all unsatisfied judgments rendered against persons holding owners' permits or drivers' licences under this Act, or non-residents reported to him pursuant to this Act,

(v) a record of all persons required to show evidence of financial responsibility pursuant to the provisions of Part XIII,

(vi) an operating record of every chauffeur and operator, which record shall show all reported convictions of such chauffeur or operator for a violation of any provision of any statute relating to the operation of motor vehicles, and all reported unsatisfied judgments against such person for any injury or damage caused by such person while operating a motor vehicle and all accidents in which the records of the Registrar indicate such chauffeur or operator has been involved, and such other information as the Registrar may deem proper, and

(vii) such other records as he may be directed to keep by the Minister;
(d) develop adequate uniform methods of accident and traffic statistics, and study accident causes and trends, traffic problems, and regulations;

(e) prepare for the Minister an annual report showing the results of such reporting, collection, analysis and study, and embodying his recommendations for the prevention of motor vehicle accidents and the solution of traffic problems, and such report shall be printed and published forthwith upon completion. R.S.O. 1937, c. 288, s. 96.

SCHEDULE
(Section 66 (2))

CERTIFICATE OF JUSTICE

1. (name of Justice), a Justice of the Peace in and for the county of ____________________________ hereby certify:__________________________

1. That (name of defendant), of the ____________________________ in the county of ____________________________, of ____________________________, (occupation), this day appeared before me and produced to me a summons issued by (name of Justice issuing summons), a Justice of the Peace in and for the county of ____________________________, for an offence against The Highway Traffic Act, said to have been committed with respect to a car bearing the official number plate number ____________________________, for this year, said offence being alleged to have been committed on the ____________________________ day of ____________________________, in the county of ____________________________.

2. That the said (name of defendant) has deposed before me that neither he nor his motor vehicle was at the said place on the said ____________________________ day of ____________________________, 19 __________, and that the summons must have been issued against him through an error of the informant as to the number on the official number plate, and his testimony in this respect has been corroborated by the testimony of two credible witnesses, namely (here insert the names of two witnesses).

3. The depositions of the said defendant and of the witnesses referred to in paragraph 2 of this certificate are attached hereto.

4. That I am satisfied of the truth of the testimony given before me this day by (name of defendant and two witnesses), and give this certificate in pursuance of subsection 2 of section 66 of The Highway Traffic Act.

Dated at ____________________________ this ____________________________ day of ____________________________, 19 __________.

__________________________ J.P.

(Note.—Attach depositions of defendant and witnesses to this certificate.)

R.S.O. 1937, c. 288, Sched. A.